



W.A.(MD)No.404 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.404 of 2021

and

C.M.P(MD)No.1490 of 2021

- 1.S.Kumarasamy
- 2.E.Kasirajan
- 3.P.Kanagaraj
- 4.S.Murugan
- 5.P.Saravanan
- 6.S.Sakthivel
- 7.M.Murugesan
- 8.P.Selvam
- 9.K.Gomathinayagam
- 10.R.Paramasivan
- 11.R.Gopalakrishnan
- 12.M.Maharajan
- 13.V.Vijayalakshmi
- 14.V.Velmurugan
- 15.S.Ramakrishnan
- 16.S.Dhanushkodi Arumugam
- 17.S.Thangavel
- 18.B.Devaraj (Died)
- 19.R.Manoharan
- 20.P.Kumar
- 21.S.Babukrishnan
- 22.P.Karuppiah
- 23.G.S.Murugan
- 24.M.Muthupandi



W.A.(MD)No.404 of 2021

25.S.Mariammal

26.P.Pichumani

... Appellants /
Petitioners

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Vs.

The Manonmaniam Sundaranar University,
Represented by its Registrar,
Abishekapatti – 627 012,
Tirunelveli District.

... Respondent /
Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P(MD)No.21024 of 2014 dated 12.10.2020 on the file of this Court.

For Appellants : Mr.Karthick
for M/s.T.Lajapathi Roy Associates

For Respondent : Ms.Jasuma Yasmin
for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The unsuccessful writ petitioners are the appellants before us.

2.The appellants joined Manonmaniam Sundaranar University as NMR employees on daily wage basis during the period 1994-1999. Their services were regularised in the year 2008 in various posts. Based on their demand, Syndicate passed a resolution that they may be



W.A.(MD)No.404 of 2021

retrospectively regularised with effect from 02.11.2002 so that they can be placed under the old pension scheme. Since the Syndicate resolution was not implemented, the appellants herein filed W.P(MD)No.21024 of 2014 for directing the employer / University to retrospectively regularise their services with effect from 02.11.2002 and consequently place them under the old pension scheme. The learned single Judge vide order dated 12.10.2020 dismissed the writ petition. Aggrieved by the same, this writ appeal came to be filed.

3.The learned counsel appearing for the appellants reiterated all the contentions set out in the grounds of appeal. His core submission was that the Syndicate is the competent body and that its resolution cannot be ignored. According to him, so long as the resolution is holding good, it has to be implemented. He pointed out that even though the resolution was passed as early as on 08.09.2008, till date it has not been recalled or withdrawn. The learned counsel took us through the statutory scheme and stressed that the resolution has to be necessarily enforced.

4.Per contra, the learned Standing Counsel appearing for the University submitted that the impugned order of the learned single Judge does not call for interference.



W.A.(MD)No.404 of 2021

5.We carefully considered the rival contentions and went through the materials on record.

6.A person who has put in service can be regularised only in a sanctioned post. We wanted to know as to when vacancies arose in the sanctioned posts in which the appellants were accommodated in the year 2008. The learned Standing Counsel obtained written instructions and clarified that the vacancies arose only in the year 2008. Therefore, we cannot fault the University for having regularised the appellants only in the year 2008.

7.We also notice that the appellants were not selected by adopting proper procedure. Their appointments can be rightly be characterized as irregular. That is why, the learned single Judge came to the conclusion that even the benefit of regularisation itself was an act of concession and therefore the question of granting them further benefit by retrospectively regularising them with effect from 02.11.2002 cannot be considered at all. The learned single Judge has given strong and convincing reasons for denying the benefit sought for by the appellants. Interference with the said order is not warranted.



W.A.(MD)No.404 of 2021

8.This Writ Appeal stands dismissed. No costs. Consequently,

connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
23.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti – 627 012,
Tirunelveli District.



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W.A.(MD)No.404 of 2021

G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

MGA

W.A(MD)No.404 of 2021

23.01.2026