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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.02.2026

CORAM:

THE HON'BLE MR JUSTICE R.VIJAYAKUMAR

CONT.P(MD)No.28 of 2025

in

W.P(MD)No.21755 of 2021

A.Moorthy
Junior Assistant,
Bharathidasan University,
Trichy-24.

....Petitioner/Petitioner

.vs.

1.Dr.M.Selvam
The Vice Chancellor,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District.

2.Dr.R.Kalidasan,
The Registrar,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District

...Contemnors/Respondents
2 and 3

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act,1971 praying this Court to punish the Contemnors/respondents 2 and 3 for the deliberate and wilful



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disobedience of the orders passed by this Court in W.P(MD)No. 21755 of 2021, dated 21.03.2024.

For Petitioner : Mr.B.Saravanan,
Senior Counsel
for H.Mohammed Imran

For Respondents : Mr.VR.Shanmuganathan

ORDER

The present Contempt Petition has been filed alleging violation of the orders of this Court made in the above Writ Petition, dated 21.03.2024, wherein, this Court had directed the respondents-University to treat the absorption of the service of the Writ Petitioner to the post of Junior Assistant as absorption into the post of Assistant from the date of their initial appointment.

2.On a perusal of the records would reveal that the order of this Court has been complied with and proceedings have been issued on 15.04.2025, wherein, the Petitioner was absorbed into the services as Assistant from the date of their initial appointment ie., on 30.8.2019 itself. Orders further reveal that the Petitioner has been disbursed with difference in the arrears of salary from the post of Junior Assistant to the post of Assistant upto March, 2023,



in view of the fact that they have got promotion already on 17.03.2023.

3. According to the learned counsel for the Petitioner, further promotion from the post of Assistant has not been given under amended University Statutes. However, the learned counsel appearing for the respondents-University submitted that the amendment which are relied upon by the Petitioner was never approved by the Chancellor of the respondents=University and the same cannot be relied upon.

4. This Court is of the opinion that disputed facts cannot be gone into in the Contempt Petition. Therefore, the Petitioner is granted liberty to agitate their entitlements with regard to further promotion by way of independent proceedings. However, the learned counsel for the respondents-University pointed out that the Petitioner has already been promoted to the post of Assistant Section Officer on 26.08.2025.

5. The learned counsel for the Petitioner submitted that on 24.10.2025, an order of recovery has been passed to recover the excess payment of alleged salary to the writ Petitioner from 20.3.2023 to 31.3.2025. According to the learned counsel, this order



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is in violation of this Court's order and attract the contempt proceedings.

6.However, the learned counsel for the respondents University submitted that only for a limited period of three months, recovery order has been imposed to recover the excess amount that was paid to the writ Petitioner.

7.Per contra, the learned counsel for the Petitioner submitted that the order of recovery has been issued without notice to the Petitioner and therefore, it is in violation of the principles of natural justice.

8.In view of the rival submissions and deliberations made on either side, this Court passed the following order:

(a) the Contempt Petition stands closed, with liberty to the Petitioner to independently agitate their request for retrospective promotion to the post of Assistant Section Officer, in the manner known to law;

(b) the order of recovery, dated 24.10.2025 is set aside and the matter is remitted back to the file of respondents/University to



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pass fresh orders, in accordance with law, after giving reasonable opportunity to the Writ Petitioner.

18.02.2026

NCS : Yes/No

Index : Yes / No

Internet : Yes / No

vsn

To

1.Dr.M.Selvam
The Vice Chancellor,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District.

2.Dr.R.Kalidasan,
The Registrar,
Bharathidasan University,
Tiruchirappalli,
Tiruchirappalli District



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R.VIJAYAKUMAR.,J.

vsn

ORDER MADE IN

CONT.P(MD)No.28 of 2025
in
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