

(2004) 10 MAD CK 0111

In the Madras High Court

Case No : Writ Petition No. 10042 of 1997

Dr. R. Krishnaraj, Reader, Department of Education, Alagappa University

APPELLANT

Vs

Syndicate of Alagappa University

RESPONDENT

Date of Decision : 20-10-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 10 MAD CK 0111

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : P. Jothimani, for the Appellant; R. Achuthan, for R.1, D. Geetha, for R.2 and Kamadevan, for R.3, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Rajan, J.—The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus, calling for the impugned resolution of the first respondent, Resolution No. 38(b) dated 30.12.1996 insofar it relates to the petitioner and the third respondent and fixing inter-se Seniority as Readers in the Department of Education and the consequential impugned communication of the second respondent in RC A7/Inter-se Seniority/97, dated 26.2.1997 and all other connected records and to quash the same and direct respondents 1 and 2 to fix the petitioner as the senior most Reader in Adult Education in the Department of Education.

2. The petitioner was appointed as Lecturer in Alagappa University on 15.12.1987; the third respondent was also appointed as Lecturer along with the petitioner. While so, selection was made for appointment to the post of Readers. Both of them were selected and appointment orders were issued separately. On receipt of the appointment orders, the petitioner joined the post of Reader on 26.6.1991, whereas the third respondent joined the post on 27.6.1991. In view of the fact that the petitioner joined one day prior to the third respondent, the

petitioner claims that he shall be the senior among the two. But, the Syndicate by the impugned order has fixed the seniority placing R3 as senior to the petitioner.

3. Admittedly, both of them were working as Lecturers and R3, had ten years experience more than that of the petitioner in the post of Lecturer. Both of them were selected for the post of Readers, and in the appointment order itself, the seniority should have been specifically fixed. In the appointment order, it is specifically stated that the order of appointment is subject to the approval of the Syndicate. The order reads as follows:

" The Syndicate of the Alagappa University is pleased to appoint Dr. R. Krishnaraj as Reader in Adult Education in the Department of Education in the scale of Pay of Rs. 3700-125-4950-150-5700 and allowances as applicable. His basic pay is fixed at Rs. 3700/- in the above scale, subject to the approval by the Syndicate."

Here, there is a full stop after "allowance as applicable". Instead, it should be only after the words "in the above scale", and there should be a separate sentence that his appointment is subject to the approval of Syndicate. This is only a clerical or drafting mistake. That the appointment is made subject to the approval of the Syndicate is made clear.

4. When a dispute arose with regard to seniority, the Syndicate has appointed a sub-Committee and the Sub-Committee has considered the entire issue and thereafter made a recommendation, and based on the recommendation, the impugned order has been passed, whereby the Syndicate passed a resolution on 30.12.1996 and fixed the seniority between the petitioner and R3. By this, the petitioner was placed below R3.

5. In as much as the appointment itself was made subject to the approval of the Syndicate, it goes without saying that the Syndicate has the power to fix the seniority. That power has been examined properly by the Syndicate by the impugned resolution. Therefore, the resolution passed by the Syndicate does not suffer from any illegality or irregularity. Hence, the writ petition is devoid of merit.

6. In the result, the writ petition is dismissed. No costs.