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W.A.No. 2210 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 2210 of 2025
and
C.M.P.No. 16904 of 2025

The Registrar,
Annamalai University,
Annamalai Nagar,
Cuddalore District.

.. Appellant

Vs.

1.S.Ramakrishnan

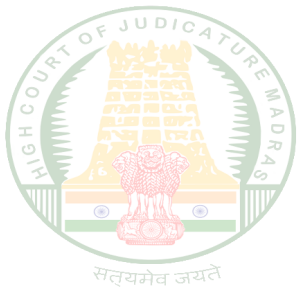
2.The Administrator,
Annamalai University,
Annamalai Nagar,
Cuddalore District.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 07.07.2023 made in W.P.No. 16247 of 2014.

For Appellant : Mr.S.Adaikkappan @ Sithiraianandam

For Respondents : Mr.E.Prabhu



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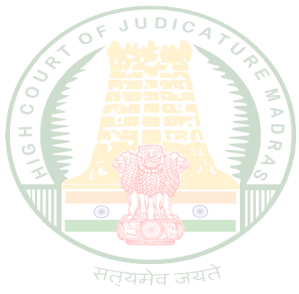


JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Aggrieved by the order of the learned single Judge made in W.P.No.16247 of 2014 dated 07.07.2023, the University has come up on appeal.

2. The respondent, who was working as a Lecturer in Zoology in the appellant University was terminated from service on 16.07.2003. The complaint, based on which, he was removed from service was withdrawn by the complainant. The respondent applied to the University for considering his case for re-employment sympathetically. The Syndicate passed a resolution on 28.11.2011, conceding the request of the respondent and directed that he be appointed afresh in a non-teaching post suitably. Relying upon the resolution, the Vice Chancellor appointed the respondent as a Special Officer. After the take over of the University by the Government, the order impugned in the writ petition was passed, cancelling his appointment as Special Officer and appointing him as Junior Assistant. This order was put to challenge in the writ petition.



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3. The learned single Judge found that the action of the University in demoting the respondent from the post of Special Officer to Junior Assistant which, admittedly carries a lesser pay, visits him with civil consequences and therefore, the same done without following the due procedure under law and giving him an opportunity is illegal. The reliance placed upon G.O.Ms.No.42 dated 12.03.2007 was also found to be misplaced. The learned single Judge also referred to the judgment of the Hon'ble Supreme Court in *Nyadar Singh Vs. Union of India* reported in (1988) 4 SCC 170 where, the Supreme Court had held that reversion to a lower rank cannot be done without affording an opportunity, since it visits the employee with civil consequences. On the above conclusions, this writ petition was allowed. Hence, the University is on appeal.

4. Mr.Sithiraianandan, learned counsel appearing for the University would vehemently contend that the Syndicate only authorized appointment in a non-teaching post but, without the permission of the Syndicate, Vice Chancellor had appointed him as Special Officer. It is not in dispute that the Special Officer is a non-teaching post and the respondent had discharged his duties for two years as a Special Officer, the order impugned in the writ



petition came to be passed without affording an opportunity to the employee concerned.

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5. As pointed out by the learned single Judge, this order will result in reduction of salary therefore, the same could not have been passed without affording an opportunity to show cause as to why he should not be demoted to the post of Junior Assistant. We see no reason to interfere with the order of the learned single Judge, in as much as, the learned single Judge has only followed the well settled principles of service law while allowing the writ petition. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (K.S., J.)
22.07.2025

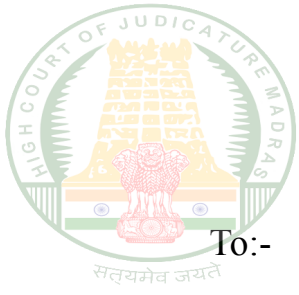
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Internet: Yes

Index: No

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Neutral Citation : No



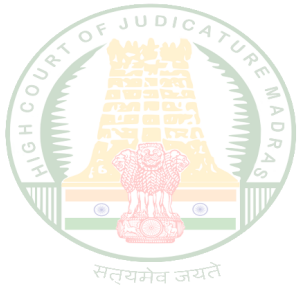
To:-

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1. The Registrar,
Annamalai University,
Annamalai Nagar,
Cuddalore District.
2. The Administrator,
Annamalai University,
Annamalai Nagar,
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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

KKN

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