

In the High Court of Judicature at Madras

Dated: 17.08.2015

Coram:

The Honourable Mr.Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr.Justice K.K.SASIDHARAN

W.A.No.144 of 2014

D. Anandan .. Appellant/ Petitioner

vs.

1. The State of Tamil Nadu
rep. by the Secretary to Government
Law Department
Fort St. George
Chennai-600 009.

2. The Director of Legal Studies
Nandanam
Madras-35
Now having its office at
Millers Road
Kilpauk
Chennai-600 010.

..Respondents/ Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 6 March 2008 in W.P.No.15923 of 2006 (T) on the file of this Court.

Writ petition having been transferred from the file of the Tamilnadu Administrative Tribunal in O.A.NO.5746/95 to direct the respondents to transfer the petitioner to the post of Junior Lecturer in any of the Govt. Law Colleges in the State of Tamilnadu from the post of Assistant Chemist in the Light of G.O.Ms.No.1349 Education (W2) Department dated 19.11.1985 with effect from the date of vacancy or his qualification subsequent is earlier with all monetary and service benefits.

For Appellant : Mr.S.F.Mohamed Yousuf

For Respondents : Mr. N. Sakthivel
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

The appellant is working as Assistant Chemist in the department of Archaeology. The appellant wanted the Director of Legal Studies to appoint him as Junior Lecturer in any of the Government Law Colleges by way of transfer of service. The writ petition filed by the appellant was dismissed by the Writ Court by order dated 6 March 2008 in W.P.No.15923 of 2006. Feeling aggrieved, the appellant has come up with this intra-court appeal.

2. Heard the learned counsel for the appellant.

3. The appellant was appointed as Assistant Chemist and he joined the service on 30 November 1981. The appellant appears to have completed the B.L. Course in 1987. Thereafter he passed M.L. examination in 1989. Since there was no follow up action, the appellant moved the Administrative Tribunal originally. The writ petition was transferred to this Court later.

4. The appellant on the basis of the Government Order in G.O.Ms.No.1349, Education (W-2) Department, dated 19 November 1981 requested the respondents to appoint him to the post of Junior Lecturer in any one of the Government Law Colleges in the State of Tamil Nadu. Since there was no follow up action, the appellant moved the Administrative Tribunal originally. The writ petition was transferred to this Court later.

5. The learned Single Judge considered the Government Order in G.O.Ms.No.1349, Education (W-2) Department, dated 19 November 1985 and observed that the said Government order would apply only to the temporary post of Junior Professors of pre-law course and the same would not apply to regular appointment.

6. The Government Order in G.O.Ms.NO.1349, Education (W-2) Department, dated 19 September 1985 was issued for appointment to the temporary post. There is no question of appointing the petitioner to the temporary post of Junior Lecturer for the pre-law course. The Government have framed recruitment rules for appointment to the post of Lecturer in Law Colleges. The Government Order referred to by the appellant was issued long back for temporary post and the same would not apply for appointment to the post of regular Lecturers in Law Colleges in the State of Tamil Nadu. The present recruitment is based on the recruitment rules framed by the Government subsequent to the order in G.O.Ms.1349, Education (W-2) Department dated 19 September 1985.

7. The issue raised by the petitioner was considered by the learned Single Judge and the prayer was rightly rejected. We do not find any error or illegality in the said order warranting interference by entertaining this intra-court appeal.

8. In the upshot, we dismiss the writ appeal. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Tr/

To

1. The Secretary to Government
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2. The Director of Legal Studies
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Madras-35
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1 cc to Government Pleader, Sr. 44481

1 cc to Mr.S.F. Mohamed Yousuf, Advocate, Sr. 43912

सत्यमेव जयते

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