

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.12918 of 2015 and
M.P.Nos.1 and 2 of 2015

1.A.Sudha
2.R.Deepa
3.A.Maheswari
4.A.Muthusamy
5.R.Saravanan
6.Sangeetha
7.S.Meiyappasamy

...Petitioners

vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Periyar University,
Rep. by its Registrar,
University Campus,
Periyar Palkalai Nagar,
Salem - 636 011.

3.The Principal,
Periyar University College of Arts and Science,
(Constituent College)
Idappadi - 637 105.
Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, to call for the records of the impugned notification dated 09.12.2014 issued by the 2nd respondent herein and quash the same as illegal and ultravires, consequently direct the 2nd respondent to regularize the service of the petitioners as Lecturer/Assistant Professor at Periyar University College of Arts and Science, Idappadi.

For Petitioners : Mr.R.Jayaprakash

For Respondents : Mr.V.Jayaprakash Narayanan
Spl.Govt.Pleader

O R D E R

The petitioners are working as Guest Lecturers in the third respondent college. The 2nd respondent issued a notification dated 09.12.2014 calling for applications from the eligible candidates for the post of Assistant Professors in the third respondent college for various disciplines on regular basis.

2. In my view, the petitioners cannot seek to stall the second respondent from filling up the posts on permanent basis. A Division Bench of this Court in W.A.No.1340 of 2005 dated 15.07.2005 frowned upon the Government in employing Guest Lecturers without making regular appointment in higher education. It is useful to refer to paragraphs 37 and 38 of the said judgment, which is as follows:-

"37. We therefore direct that after 31.03.2006 all appointments of lecturers, and other teaching posts, including Principals, in Government Colleges in Tamil Nadu shall be made on a regular basis by selection through the Teachers Recruitment Board or any other legally constituted selection body and not by appointing Guest Lecturers. Such regularly selected teachers will be paid the U.G.C. grade salaries and guaranteed security of tenure. They shall also be given all benefits and perquisites allowable to regularly selected teachers. No Guest Lecturers or ad hoc Lecturers will be appointed or continued after 31.03.2006.

38. The process of making regular appointments on all such vacancies which have not been filled in by regular selection must immediately begin, and must be completed within a reasonable time, so that on and after 01.04.2006 all the incumbents in the State will be regularly selected Lecturers and not Guest Lecturers or ad hoc Lecturers. We are giving adequate time to the State Government to switch over from the system of appointing Guest Lecturers to the system of appointing regular Lecturers, etc. During this period of 8 or 9 months the Government must complete the exercise of making selections through the Teachers Recruitment Board or other legally constituted selected body. The selection body must ensure that the most meritorious persons are selected as teachers so that the youth of Tamil Nadu may be benefited."

3. In view of the categorical pronouncement of the Division Bench of this Court, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1.The Principal Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.
- 2.The Registrar,
The Periyar University,
University Campus,
Periyar Palkalai Nagar,
Salem - 636 011.
- 3.The Principal,
Periyar University College of Arts and Science,
(Constituent College)
Idappadi - 637 105.
Salem District.

सत्यमेव जयते

W.P.No.12918 of 2015

TEJ(CO)
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