

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.37254 of 2015

and MP.No.1 of 2015

1. B.Balamurugan
2. D.Kamalraj
3. Indra
4. R.Jevvangan
5. C.Balamourougane
6. M.Priya
7. B.Balavinothini
8. g.Punitha Sarmila
9. S.Jegadeeswari
10.E.Antony Joseph
11.R.Senthil Vadivoo
12.J.Vijayabarathy
13.N.Rajeswari
14.S.Rantheep Raja

... Petitioners

Vs.

1.The Secretary
Department of Higher Education
Government of Puducherry
Chief Secretariat, Pondicherry

2.The Member Secretary
Pondicherry Society for Higher Education (PONSHE)
PIPMATE Building
Lawspet, Pondicherry

3.KEN Consulting Private Limited
No.32/1-2, 4th floor Crescent Towers
Crescent Road, High grounds
Bangalore -560 001
Rep by Human Resource Manager.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents 1 and 2 to grant two years time period enabling the petitioners qualified by passing NET/SLET/Ph.D. as prescribed by the UGC in the light of the Memorandum issued by the first

respondent vide No.42418/CS(Edn-1)/E11/2015 dated 17.07.2015 and further direct the respondents 1 and 2 to absorb the petitioners directly without the intervention of the 3rd respondent and pay salary to the petitioners on par with the regular staffs on the principle of Equal pay for Equal work, by considering the petitioners long term of service with the 2nd respondent institutions.

For Petitioners : Mr.B.Balavijayan
For Respondents : M/s.R.Syed Mustafa
GP (Pondy)for R1 & R2.

O R D E R

According to the petitioners that they are working as Assistant Professors in the Pondicherry Society college viz., Indira Gandhi College of Arts and Science, Kathirkamam, Puducherry (IGCAS), Perunthalaivar Kamarajar Arts College, Kalitheerthalkuppam (PKAC), Rajiv Gandhi Arts and Science College, Thavalakuppam, Puducherry (RGASC), Kasthurba College for women, Villianur, Puducherry (KCW) running under the Puducherry society for Higher Education through third respondent/KEN consulting private Limited. The petitioners have qualified themselves with Ph.D and working for long number of years.

2.The petitioners would claim that in respect of Assistant Professors working in Government Law College, Government Arts College, Government College for Nursing etc., the first respondent issued a Memorandum dated 17.07.2015 fixing there consolidated pay equivalent to the regular post of Assistant Professor and also granted two years time to qualify themselves as prescribed in the UGC Regulations - 2010. However, the petitioners' similar representation dated 08.09.2013 is not considered till date.

3.Heard the submissions of Mr.B.Balavijayan, learned counsel appearing for the petitioners and Mr.R.Syed Mustafa, Government Pleader, Pondicherry who accepts notice on behalf of the respondents.

4.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, permits the petitioners to submit one more representation to the respondents by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the said representation of the petitioners on merits and in accordance with law and pass appropriate orders within a period

of six weeks thereafter and communicate the decision taken to the petitioner.

5.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To
1.The Secretary
Department of Higher Education
Government of Puducherry
Chief Secretariat, Pondicherry.

2.The Member Secretary
Pondicherry Society for Higher Education (PONSHE)
PIPMATE Building
Lawspet, Pondicherry.

3. The Human Resource Manager
KEN Consulting Private Limited
No.32/1-2, 4th floor Crescent Towers
Crescent Road, High grounds
Bangalore -56001.

+1 cc to Mr.B.Balavijayan Advocate sr.63675
+1 cc to Government Pleader for Pondyicherry sr.63903

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