IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.15905 of 2016

B.Ramachandran .. Petitioner

Vs.

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

2.The Commissioner of Technical Education,
Guindy, Chennai - 600 025.

3.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani - 624 601. Dindigul District. .. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to upgrade the petitioner as Lecturer on completion of three years as per G.O.Ms.No.627, Education Department, dated 07.05.1990, by considering the representation dated 03.02.2016 made by the petitioner and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.K.Rajendra Prasad
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to upgrade the petitioner as Lecturer on completion of three years as per G.O.Ms.No.627, Education Department, dated 07.05.1990, by considering the petitioner's representation dated 03.02.2016 and confer all the consequential benefits.

2.The petitioner joined service as Instructor in Stenography in the year 1990 and his services were regularized on 25.05.1993. As per G.O.Ms.No.369, Higher Education Department,

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dated 09.11.2006, he was redeployed and accommodated in the third respondent's College on 02.07.2007. In the meanwhile, on the basis of the recommendation of the All India Council for Technical Education, the post of instructors were directed to be dispensed with and all the persons, who were holding the post of Instructor with Master Degree with 55% shall be re-designated as Associate Lecturer. According to the petitioner, he made several representations requesting to re-designate his post as Associate Lecturer and he filed Writ Petition seeking the relief of re-designation and the same was dismissed and thereafter, he filed Writ Appeal, which was disposed of by directing the Government to consider the representation of the petitioner but the Government has rejected his claim. The petitioner made a representation to the second respondent on 03.02.2016 but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.P.Ganesan, the learned counsel for the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.K.Rajendra Prasad, the learned Government Advocate for the respondents has got no serious objection for directing the second respondent, who is the competent authority to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent, to consider the representation of the petitioner, dated 03.02.2016, and pass appropriate orders, on merits and in accordance with law. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Technical Education,
Guindy, Chennai - 600 025.

3.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani - 624 601. Dindigul District.

1cc to Mr.C.S.Associates, Advocate sr.32100

W.P. No.15905 of 2016

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srg 30/06/2016

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