

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.5959 of 2016

Madurai Kamaraj Manomaniam Sundaranar
Mother Teresa and Alagappa University
Teachers Association (MUTA) (Regn.No.13/72)
Rep by its General Secretary,
No.6, Kakka Thoppu Street,
Madurai-625 001.

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Higher Education
Fort St.George, Secretariat, Chennai-9.
- 2.The Director
Directorate of Collegiate Education
Nungambakkam, Chennai
- 3.The Chief Electoral Officer
Secretary to the Government
Fort St.George,
Secretariat, Chennai-9.

... 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 to 3 to consider the representation dated 21.01.2016 of the petitioner association and allocate polling duties to the college teachers of the petitioner's association working in the cadre of Assistant Professors/ Associate Professors/ Professors befitting their cadre/ rank/ qualifications/ pay scales whenever their services are secured to attend election duties.

For Petitioner : M/s.R.Subramanian

For respondents : M/s.P.Karthikeyan,
Government Advocate.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondents 1 and 2 to consider the representation dated 21.01.2016 of the petitioner association and allocate polling duties to the college teachers of the petitioner's association working in the cadre of Assistant Professors/Associate Professors/Professors befitting their cadre/ rank/qualifications/pay scales whenever their services are secured to attend election duties.

3.The members of the petitioner's Association are teachers of affiliated colleges in southern district, they are serving in various departments of the State Government and drawing Salary in the pay scales less than that of the scale of pay of the college teachers working as Assistant Professors/Associate Professors/Professors are being deputed by the respondents to work in the rank of Zonal Officers during the Assembly/Local body/Parliament elections. The respondents use to depute the said college teachers, who are holding the posts which also require higher educational qualification than that of the post held by the said State Government employees, as Presiding Officers/Polling Officers-I to perform the election duties in the manner of degrading the official status and dignity of the members of the association.

4.The petitioner's Association in its letter dated 21.01.2016 brought the above mentioned anomaly to the notice of the third respondent. However, the third respondent has not taken any action on the representation of the petitioner's association, hence the petitioner filed the present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

6.When the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would be suffice to direct the second respondent to consider the claim of the petitioner's association within the time fixed by this Court.

7.In view of the submission so made by the learned counsel for the petitioner association, this Court directs the ***Third Respondent** to consider the representation of the petitioner association dated 21.01.2016 within a period of four weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of accordingly. No costs.

S/d-
Assistant Registrar (CS-II)
Dated : 22.02.2016

***Corrected as per Order
dated 11.03.2016 made
in WP.5959 of 2016.
Sd/- Assistant Registrar (CS II)
Dated : 22.03.2016**

True Copy

Sub-Assistant Registrar

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To

1.The Principal Secretary
Govt. of Tamil Nadu,
Higher Education
Fort St.George,
Secretariat, Chennai-9.

To be Substituted to the
Order already despatched

2.The Director
Directorate of Collegiate Education
Nungambakkam, Chennai

on 22.02.2016

3.The Chief Electoral Officer
Secretary to the Government
Fort St.George,
Secretariat, Chennai-9.

+ 1 cc to Mr.R.Subramanian, Advocate SR 15982

+ 1 cc to the Govt.Pleader, High Court, Madras SR 10545

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jsv(co)
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CA(22.03.2016)