

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.278 of 2003

V.Murugesh

..Petitioner

-Versus-

1. Union of India
Represented by its Secretary to
Government, Department of Secondary Education
and Higher Education,
Ministry of Human Resources Developments
Government of India
New Delhi - 100 001.
 2. The State of Tamil Nadu
Rep. by its Secretary to the Government
Higher Education Department
Fort St. George, Chennai-600 009.
 3. The Chairman
University Grants Commission
Bahadur Shah Zafar Marg,
New Delhi - 110 002.
 4. The Chairman
All India Council for Technical Education
I.G. Sports Complex, I.P.Estate,
New Delhi - 110 002.
 5. The Member Secretary
Board of Governors cum Principal
R.E.C., Trichy.
- ... Respondents

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling of the records of the impugned proceedings No.L.Dis.No.03558/A2/2002 dated 28.10.2002 on the file of the fifth respondent quash the same as null and void and consequently directing the fifth respondent to treat the petitioner as par with that of a Lecturer, under teaching category by sanctioning AICTE Pay Scales, applying Career Advancement Scheme, Leave / Vacation rules, Quarter allotments and all other consequential benefits as is be applicable to that of Lecturer a teaching post.

For Petitioner : Mr.V.J.Arul Raj
For R5 : Mr.Sri Balaji
J.Maria Roseline

ORDER

This writ petition has been filed to call for the records of the impugned proceedings No.L.Dis.No.03558/A2/2002 dated 28.10.2002 on the file of the 5th respondent, quash the same as null and void and consequently, direct the fifth respondent to treat the petitioner at par with that of a Lecturer, under teaching category by sanctioning AICTE Pay Scales, applying Career Advancement Scheme, Leave / Vacation rules, Quarter allotments and all other consequential benefits as is applicable to that of Lecturer, a teaching post.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the 5th respondent.

3. The petitioner is a M.C.A. graduate. He was appointed temporarily as Computer Programmer in Regional Engineering College, Trichy on 26.08.1997. While in service, he made a representation dated 24.10.2002 to the authorities that he is also burdened with teaching work and therefore, he must be considered as a teaching staff and should be given all the benefits of a teaching staff. The Principal, Regional Engineering College, Trichy, by a communication dated 28.10.2002 rejected the representation, challenging which, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner contended that in several Universities like Bharathidasan University, Anna University, etc., the computer programmer is also construed as a teaching staff and therefore, the contention of the Regional Engineering College, Trichy, deserves to be negatived. He placed strong reliance upon the communication of the University Grants Commission and All India Council for Technical Education norms in support of his contentions.

5. Rebutting the contention, the learned counsel appearing for the 5th respondent submitted that Regional Engineering College, Trichy was started as a joint venture of the State Government and the Central Government and the college is run by an autonomous Society. The Board of Governors of the Society have framed rules prescribing the qualification for each category of staff, both teaching and otherwise. She produced the files containing the resolution of the Board of Governors dated 30.05.1985, which shows that for the post of Lecturer (Engineering), the Board of Governors has fixed the minimum qualification as first class Bachelor's degree or first class Master's degree in the appropriate branch of Engineering and Technology with minimum of one year experience in

teaching. As regards computer programmer, the educational qualification is first class in MCA or first class in BE (Computer Science) or (Electronics). Therefore, she contended that the petitioner does not have the minimum qualification viz., Post graduation in Engineering as required by the rules to be treated as a Lecturer.

6. The learned counsel appearing for the petitioner submitted that two other persons by name J.Balamurugan and P.Arun, who were also working as Systems Manager, Computer Support Group and Hardware Engineer, Computer Support Group, respectively, have been treated as teaching staff by the communication dated 26.07.1996 and 26.08.1997.

7. This Court gave its anxious consideration to the rival submissions.

8. On a perusal of the communication dated 03.01.1990 issued by the University Grants Commission, it is seen that System Analyst / System Programmer are given scale of pay of Lecturer grade. Admittedly, the petitioner in this case has also be given the scale of pay of Lecturer grade. It is the grievance of the petitioner that he should be treated as a Lecturer, so that he would have all other benefits attached to the post of Lecturer like Career Advancement Scheme, Leave / Vacation rules, Quarter allotments etc.

9. As regards J.Balamurugan and P. Arun they are also computer support staff. While granting pay increase to other lecturers in the Regional Engineering College, Trichy, their name have been included in the list. This, by itself, cannot mean that they have been treated as Lecturers. Beneath their names, the designation is shown as Systems Manager, Computer Support Group and Hardware Engineer, Computer Support Group, whereas, beneath the names of others in the list, the designation shown is "Lecturer". For claiming the post of Lecturer in Regional Engineering College, Trichy, one should have the necessary qualification prescribed by the Board of Governors. Unfortunately, the petitioner does not have the minimum qualification that is required for appointment of Lecturer as prescribed by the Board of Governors. He joined service only as a Computer Programmer and with that, he cannot, as a matter of right, seek Lecturership.

10. Further, admittedly, the petitioner had resigned his job from Regional Engineering College, Trichy on 31.12.2006 during the pendency of the writ petition.

11. The learned counsel appearing for the petitioner submitted even though his client has resigned his job from Regional Engineering College, Trichy, if his service with the College is construed as Lecturer, it will be of immense use to him while applying for other jobs.

12. In my opinion, this Court does not have any authority to grant such conferment of status in the absence of the requisite qualification.

In the result, this writ petition is dismissed as being devoid of merits. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Union of India Government,
Department of Secondary Educational and Higher Education,
Ministry of Human Resources Developments
Government of India, New Delhi - 100 001.
2. The Secretary to the Government
The State of Tamil Nadu
Higher Education Department
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R.E.C., Trichy.

1 CC TO M/S.V.J.Arul Raj, Advocate, (SR.No.73718)

W.P.No.278 of 2003

CP(CO)
PMK.27.1.2017