

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29923 of 2017

Dr.S.Arul Antony

..Petitioner

-vs-

1. The State of Tamil Nadu
rep.by the Secretary to Government
Higher Education Department
Secretariat
Fort St.George
Chennai 600 009
2. The Director of Collegiate Education
DPI Campus, College Road
Chennai 600 006
3. The Chairman
Teachers Recruitment Board
4th Floor, E.V.K.Sampath Maligai
College Road
Chennai 600 006
4. Dr.R.Ravanan
(R4 impleaded as per order of Court
dt. 16.8.2017 in WMP No.22543/17) .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to letter in Na.Ka.No.20960/J2/2016 dated 31.07.2017 and quash the same and consequently direct the respondents to redraw the seniority list for the Associate Professors in Government Arts and Science Colleges as per the date of their initial appointment.

For Petitioner:: Mr.P.Wilson
Senior Counsel for
M/s Richardson Wilson

For Respondents:: Mr.P.Sanjay Gandhi
Additional Government Pleader
for R1 to 3

ORDER

The petitioner is working as Associate Professor of Chemistry in Presidency College, Chennai. Although he entered the service on contract basis in the year 1986, the learned senior counsel for the petitioner submitted that the petitioner's services were regularised only with effect from 26.3.93. Subsequently, he made a representation to give the benefit of regularisation from the date of joining the service on contract basis. This was not considered. Therefore, 28 Lecturers including the petitioner came with Writ Petition No.4594 of 2017 seeking a mandamus to draw an inter-se seniority list for the post of Associate Professor in terms of G.O.Ms.No.81, Higher Education (F) Department dated 13.3.98. But this Court, considering the arguments advanced by both parties, taking note of the fact that the services rendered on contractual basis cannot be counted for seniority and their services were also regularised and they were brought under the regular time scale of pay pursuant to the order passed in G.O.Ms.No.81, Higher Education (F2) Department dated 13.3.98, refused the prayer in the said writ petition. As against that order, they preferred Writ Appeal No.925 of 2017. Finally, by order dated 4.8.2017, the Hon'ble Division Bench, while considering the arguments advanced by the appellants that the date of their joining the service have not been taken into consideration for the purpose of maintaining seniority and the seniority was prepared on the basis of ranking etc., directed the respondents to look into their grievance and giving liberty to the appellants therein to make one more representation raising all their contentions within a period of fifteen days from the date of receipt of a copy of this order with a further direction to the authorities to consider the same before finalising the seniority list. The learned senior counsel for the petitioner further submitted that although the Hon'ble Division Bench has disposed of the writ appeal on 4.8.2017, in the meanwhile, the second respondent issued another proceeding dated 31.7.2017 calling for particulars from all the teachers. Therefore, the petitioner has approached this Court.

2. The learned Additional Government Pleader for the respondents 1 to 3 submitted that they are going to consider the representation of the petitioner on the basis of the direction issued by the Hon'ble Division Bench.

3. Placing on record the submission made by the learned Additional Government Pleader for the respondents, although the proceeding has been issued by the second respondent, the first respondent, as directed by the Hon'ble Division Bench, shall consider the representation of the petitioner along with the particulars to be offered on the basis of the proceedings dated

31.7.2017 and then to take a final call to prepare the final seniority list. With this observation, the writ petition stands disposed of. Consequently, W.M.P.Nos.32427 to 32429 of 2017 are closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ss

To

1. The Secretary to Government
Higher Education Department
Secretariat, Fort St.George
Chennai 600 009
2. The Director of Collegiate Education
DPI Campus, College Road
Chennai 600 006
3. The Chairman
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4th Floor, E.V.K.Sampath Maligai
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Chennai 600 006

+1 Cc to Mr. Richardson Wilson, Advocate sr 83153.
+1 Cc to Govt. Pleader sr 83679.

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SP(05/12/2017)