



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.15893 of 2017

and

W.M.P. (MD)No.12564 of 2017

T.Murugan ... Petitioner

Vs.

1.The Director of Collegiate Education (FAC),
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Department of Collegiate Education,
Tirunelveli.

3.The Principal,
Kamarajar Government Arts College,
Surandai-627 859,
Tirunelveli District.

4.Tamil Nadu Public Service Commission,
Broad Way,
Chennai-600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the third respondent from in any terminating the service of the petitioner from the post of Guest Lecturers (Department of Micro Biology) from the third respondent college until filing up of vacancies of permanent lectures by the fourth respondent as per the G.O.Ms.No.458 dated 28.10.2015 and direct the respondents 2 and 3 to consider the representation of the petitioner dated 30.01.2017 and 04.08.2017 to restore the seniority list/staff attendance register of guest lecturers of the third respondent college on roster basis as per the list prepared in December, 2015 within the time fixed by this Court.

For Petitioner	: Mr.A.Kannan
For Respondent	: Mr.R.Karthikeyan
Nos 1 to 3	Additional Government Pleader
Respondent No.4	: Mr.K.K.Senthil

O R D E R

By the consent of both sides, the writ petition itself taken up for final disposal.



2.The petitioner has come to this Court seeking injunction, restraining the third respondent from terminating the petitioner from the post of Guest Lecturer (Department of Micro Biology) until filling up of the vacancies of permanent Lecturers by the fourth respondent as per G.O.Ms.No.458 dated 28.10.2015 with consequential direction to the second and third respondents to consider the representation of the petitioner dated 30.01.2017 and 04.08.2017, to restore the seniority list/staff attendance.

3.The learned counsel for the petitioner submitted that the petitioner was appointed as Guest Lecturer in the third respondent College, in the Department of Micro Biology on roaster basis. The third respondent College has prepared the staff attendance register on roaster basis and has placed the petitioner in the second place in the Department of Micro Biology out of the five other selected Guest Lecturers in the said department.

4.Subsequently, the third respondent passed a resolution and altered the attendance register/seniority list on mark basis, by which the petitioner was placed in the last place in the Department of Micro Biology. Pursuant to the resolution passed by the third respondent, three of the Guest Lecturers belonging to Scheduled Caste community were removed from service in various Departments of the third respondent college and if the same procedure is followed, the petitioner being placed at the bottom of the list, will also be forced to leave employment. Therefore, the petitioner prays for an order of injunction against the third respondent / Principal, Kamarajar Government Arts College, Tirunelveli District.

5.Further, it is also submitted that G.O.Ms.No.458 dated 28.10.2015, has been specifically issued by the Government of Tamil Nadu for appointing the Guest Lecturers in Government Arts and Science College, on roaster basis and it clearly shows that the Guest Lecturers appointed in the vacant post are entitled to continue till the said vacancies are filled up by appointing permanent lecturers. In the present case, without filling up the vacancies by appointing permanent lecturers, they are undertaking the said exercise. Therefore, the third respondent should be enjoined from in any way terminating the service of the petitioner.

6.This Court is unable to find any merit in the contentions raised by the petitioner. The reason is that the petitioner has been placed in the second position in the seniority list in the Department of Micro Biology. Without placing sufficient documentary proof to substantiate that the third respondent is <https://hservices.hc.judges.gov.in/hservices/> terminate the petitioner from the post of Guest Lecturer in the Department of Micro Biology, the petitioner cannot rush to this Court on mere assumptions and surmises. Therefore,



this Court is unable to entertain the writ petition. Secondly, since the petitioner is not a permanently appointed employee, this Court may not be in a position to protect such type of employment.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1.The Director of Collegiate Education (FAC),
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Department of Collegiate Education,
Tirunelveli.

3.The Principal,
Kamarajar Government Arts College,
Surandai-627 859,
Tirunelveli District.

4.Tamil Nadu Public Service Commission,
Broad Way,
Chennai-600 104.

+1cc to M/S.K.K.SENTHIL, Advocate SR.No.74561
+1cc to Special Government Pleader, SR.No.74695

Mrn/MR

MAS/MR-KKR/SAR4:03.11.2017:3P-7C

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