

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :10.07.2017  
CORAM

WEB COPY

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**W.P. (MD) No.17547 of 2013**  
**and**  
**M.P. (MD) Nos.1 and 2 of 2013**

C.Veerasingham,

... Petitioner

Vs.

1. The Government of Tamil Nadu,  
Rep. by its Secretary to Government,  
Law Department,  
Fort St. George,  
Secretariat,  
Chennai-600 009.
2. The Director,  
Directorate of Legal Studies,  
Purasaiwakkam High Road,  
Kilpauk, Chennai 600 010.
3. The Principal,  
Government Law Collage,  
Madurai- 625 020.
4. T.Johnson,  
The Principal,  
Government Law College,  
Madurai-625 020.
5. Prof. P.S.Seenivasan,  
Professor and Member,  
Selection Committee for  
Guest Lecturers and  
Chief Superintendent (BL 3 years Exam)  
Government Law College,  
Madurai-625 020.
6. Prof.S.Manoharan,  
Professor and Member,  
Selection Committee for  
Guest Lecturers and  
Chief Superintendent (BL 5 years Exam)  
Government Law College,  
Madurai- 625 020.



Now Working as  
The Principal(In-Charge),  
Government Law College,  
Coimbatore.

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to employ the petitioner as Guest Lecturer until regular appointment is made.

For Petitioner : Mr.Arun Jeyatram.  
For R-1 to R-3 : Mr.M.Alagathevan,  
Special Government Pleader  
For R-4 to R-6 : T.Lajapathi Roy.

### ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to employ the petitioner as Guest Lecturer until regular appointment is made.

2. The petitioner would among other things aver that he had passed B.L., Degree In the year 2006 and had passed M.L.(Property Law) in the year 2009 and secured 64% of marks at Government Law College, Madurai. He enrolled as an Advocate in the roll of Tamil Nadu Bar Council and his Enrolment Number is Ms.1549/2006 and he is practicing in Madurai. The petitioner belong to de-notified Community, which is Most Backward Class Community. Since several posts of Lecturers in various Government Law Colleges remain unfilled, the Government is issuing instructions every year to utilize Guest Lecturers in Law Colleges. The system of engaging Guest Lecturers is continuing till date. A Guest Lecturer once appointed in a Law College, is used to be permitted to continue without any break for the subsequent academic year also.

3. He would further aver that originally Guest Lecturers were paid honorarium. Subsequently, as per G.O.No.135, dated 22.05.2009, the Government had increased the honorarium. Thereafter, the first respondent vide letter No.12968/sa.ka./2011 dated 18.07.2011 permitted all the seven Government Law Colleges to appoint 42 Guest Lecturers to impart teaching in non-law subjects and 135 Guest Lecturers for teaching law subjects for the academic year 2011-12. The third respondent was permitted to fill up 22 posts of Guest Lecturers for law subjects. The respective Principals of Law College are empowered by the 2<sup>nd</sup> respondent to select Guest Lecturers as per the 1<sup>st</sup> respondent's order. As per the Government letter dated 18.07.2011, the qualification for the post of Guest Lecturer in law subject is M.L, Degree with 55% of marks and enrolment as an Advocate in Bar Council.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The case of the petitioner is that he is eligible to be appointed as Guest Lecturer and he appeared before the Selection



committee of the third respondent and he was selected as a Guest Lecturer for the academic Year 2011-2012 and he was working in the third respondent college from 02.02.2012 without any break. On successful completion of academic year 2011-2012, the first respondent issued permission to utilize the Guest Lecturers and the said permission was given vide letter No.12781/sa.ka./2012 dated 27.07.2012 for the academic year 2012-2013 also. Based on that, the petitioner was continued to work as a Guest Lecturer for the year 2012-2013. The respondent 5 and 6 are the members of Selection Committee for the post of Guest Lecturer. Other than the respondents 5 and 6, professor C.Rajalakshmi is also member of the said Committee. Based on the report submitted by the Selection Committee, the Guest Lecturers are appointed. According to the petitioner, his name finds place in Sl.No.21 in the selection committee report dated 04.08.2012.

5. The petitioner would further aver that for the present academic year 2013-2014, the Government issued a letter dated 17.09.2013 directing all the Law Colleges to utilise the services of the Guest Lecturer. The Government had also permitted the third respondent to utilise the services of 22 Guest Lecturers in Law and 7 Guest Lecturers in non-Law subjects.

6. As there is no change in work load and Government had also permitted to utilise the same number of Guest Lecturers, the third respondent should have permitted the petitioner for the academic year 2013-2014 also. All the Guest Lecturers, who were appointed along with the petitioner are permitted to continue without any interruption. But, to the shock and surprise, the third respondent orally refused the petitioner to continue as a Guest Lecturer for the academic year 2013-2014. Therefore, the petitioner was constrained to make a representation on 20.05.2013, 08.07.2013, 12.07.2013, 15.07.2013 and on 30.08.2013 before the third respondent requesting to utilise the service of the petitioner. But, the third respondent has not passed orders on the same.

7. It is the case of the petitioner that there was a dispute when the NSS Camp was conducted. In the said camp, the third respondent printed pamphlets excluding the names of the Guest Lecturers and therefore, the petitioner objected the activities of the third respondent and the fifth respondent, who is one of the N.S.S Programme Officer and due to that reason only, the petitioner's service was not extended.

8. The grievance of the petitioner is that the person, who are having lesser qualification are permitted to continue, whereas the petitioner was not permitted to continue. It is stated by the petitioner that the respondents 4 to 6 are inimical towards the petitioner and that was the only reason for not allowing the petitioner to work as Guest Lecturer, whereas all others are being allowed to work, who are having lesser qualification.



9. The learned counsel appearing for the College submitted that though the petitioner raised many allegations, he has received the rejection order dated 07.10.2013 as early as in the year 2013 and though the said order is a stigmatic order, the petitioner has not chosen to challenge the above said order. He further submitted that the appointment of the petitioner is subject to the satisfaction of the Principal and he had completed the academic year 2012-2013 and thereafter, for the past four years, several appointments have been made. He further submitted that the attitude of the petitioner is to make allegations against the Principal and other Lecturers, who are working there and for the past four years, he has not made any application for temporary appointment. If at all, the petitioner is aggrieved, he can challenge the order dated 07.10.2013 or to make fresh application. Therefore, the prayer sought for by the petitioner is to be rejected.

10. In response to the above contention, the learned counsel for the petitioner submitted that since the writ petition was pending, thinking that he would get a remedy in the pending writ petition, the petitioner had not chosen to challenge the order inadvertently.

11. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents and perused the materials available on record.

12. On going through the entire facts, it is seen that a stigmatic order was passed against the petitioner on 07.10.2013 and therefore, the petitioner ought to have challenged the said rejection order. But, the petitioner has not chosen to challenge the same. Further, the petitioner has also not chosen to apply afresh for temporary appointment.

13. Considering the facts and circumstances of the case, the petitioner cannot maintain this Writ Petition and therefore, the prayer sought for in this Writ Petition cannot be granted.

14. In the result, this Writ Petition stands dismissed giving liberty to the petitioner to make fresh application to the fourth respondent. If vacancies arises and if applied, the fourth respondent shall consider the same along with other applications in accordance with law. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Secretary to Government,  
Government of Tamil Nadu,  
Law Department, Fort St. George,  
Secretariat, Chennai-600 009.

2. The Director,  
Directorate of Legal Studies,  
Purasaiwakkam High Road,  
Kilpauk, Chennai 625 010.

3. The Principal,  
Government Law Collage,  
Madurai- 625 020.

+1cc to M/S. P.ARUN JEYATRAM, Advocate, SR.No.64804.

+1cc to M/S. T.LAJAPATHI ROY, Advocate, SR.No.64486.

W.P. (MD) No.17547 of 2013  
and  
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pm

SDS/SKN:RSK/SAR 2/28.07.2017/5P/6C