

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15412 of 2015
and
M.P.Nos. 2 to 3 of 2015

Dr.P.Pitchaiammal

.... Petitioner

Vs.

- 1.Government of Tamilnadu
Rep by its Secretary
Department of Higher Education
Fort St. George, Chennai - 9.
- 2.The Director of Collegiate Education
DPI Compound, College Road
Chennai - 6.
- 3.The Regional Joint Director for Higher Education
Coimbatore Region, Coimbatore.
- 4.J.K.K.Nataraja Arts and Science College
Rep by its Secretary, Kumarapalayam
Namakkal - 638 183.
- 5.Dr.V.R.Parameswari
..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order in G.O.(D) No.119, Higher Education (E2) Department, dated 08.05.2015 passed by the first respondent quash the same and consequently, direct the fourth respondent to fill up the post of Principal forthwith, after calling for applications from all the eligible and qualified persons working in the fourth respondent college, including the petitioner, in accordance with law and rules, within a specified time.

For Petitioner: Mr.V.Ajoy Khose
For Respondents: Mr.K.Karthikeyan
Govt. Advocate [for R1 to R3]
Mr.A.Jenasenan [for R4]

O R D E R

The relief sought for in this writ petition is to call for the records pertaining to the order in G.O.(D) No.119, Higher Education (E2) Department, dated 08.05.2015 passed by the first respondent, quash the same and consequently, direct the fourth respondent to fill up the post of Principal forthwith, after calling for applications from all the eligible and qualified persons working in the fourth respondent college, including the petitioner, in accordance with law and rules, within a specified time.

2.The learned counsel for the petitioner states that the Government orders issued in this regard are not being followed by the Government scrupulously in respect of the college teachers. Therefore, the Government has to look into these issues and follow the Government order and the UGC regulations without any violation. In respect of the present writ petition, the order passed in favour of the fifth respondent, in G.O.(D) No. 119 Higher Education[E2] Department dated 08.05.2015 is under challenge.

3.Granting of extension of service, more specifically for the post of Principal, will deprive other Senior Professors to get an opportunity for getting promotion to the post of Principal. An extension of service is to be granted only on exceptional circumstances and not in a routine manner. This court is frequently witnessing that such extension of services are granted in favour of few individuals mostly by way of favouritism and nepotism.

4.Such an attitude of the State should be deprecated. Equal opportunity in promotion is also a constitutional guarantee ensured under part IV of the Constitution, Directive Principles of State Policies. The State must ensure to provide equal opportunity to all the qualified and eligible senior professors, who all are longing to get promotion to the post of Principal. The legitimate expectations of these senior professors cannot be denied by granting extension to few individuals. Thus, the State has to take appropriate steps not to grant such extension in a careless manner and deprive other candidates from getting their right of promotion.

5.Though the submissions made by the learned counsel for the petitioner is a valid one, it has got certain implications in view of the fact that the petitioner and the fifth respondent had already retired from service. Hence, this court is not inclined to go further on this issue. However, the respondents

are bound to follow the legal principles and constitutional mandates in this regard more specifically for providing equal opportunity of promotion to all the eligible and qualified senior Professors, who all are working in the Department of Collegiate Education.

6. In view of the fact that the writ petitioner has already retired from service due to passage of time, no further adjudication is required on the grounds raised in this writ petition. This apart, the fifth respondent also had reached the age of 60 years.

7. With these observations, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

may a

To

1. The Secretary
Department of Higher Education
Fort St. George, Chennai - 9.
2. The Director of Collegiate Education
DPI Compound, College Road
Chennai - 6.
3. The Regional Joint Director for Higher Education
Coimbatore Region, Coimbatore.

+1 CC to Mr. A. Jenaseen, Advocate sr 43390.
+1 CC to Govt. Pleader sr 44074.

W.P.No.15412 of 2015

SP(19/07/2018)