



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

WEB COPY

W.P (MD) No.963 of 2011
and
MP (MD) Nos.1 and 2 of 2011

S.Chandrakaladharan Nair ... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.

2. The Director of Collegiate Education,
College Road, Chennai - 600 006.

3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli - 627 002.

4. The Secretary/Correspondent
Sree Devi Kumari College for Women,
Kuzhithurai - 629 165,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned G.O.Ms.No.88 (Higher Education (G-1) Department) dated 27.04.2010 issued by the first respondent State Government and quash the same and further direct the respondents herein to revise the petitioner's salary in the post of Part-time Lecturer (law) in terms of the University Grants Commission norms dated 03.10.2008.

For Petitioner : Mr.S.Xavier Rajini

For Respondents 1 to 3 : Mr.M.Muthu,
Additional Government Pleader,

For Respondent 4 : Mr.Hari

ORDER

The relief sought for in this writ petition is to call for the records relating to the impugned G.O.Ms.No.88 (Higher Education (G-1) Department) dated 27.04.2010 issued by the first respondent State Government and quash the same and further direct the respondents herein to revise the petitioner's salary in the post of Part-time Lecturer (law) in terms of the University Grants Commission norms dated 03.10.2008.



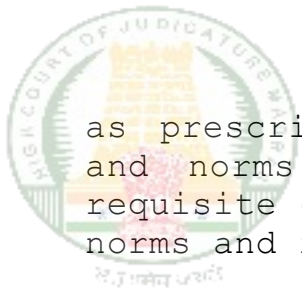
2.The learned Counsel for the writ petitioner made submissions that the writ petitioner was holding the post of part time Lecturer (Law) in the fourth respondent college Sree Devi Kumari Women's College, Kuzhithurai, Kanyakumari District. The 4th respondent college is an Arts and Science College and the writ petitioner was working as a part time Lecturer (Law) since 17.05.1991. The writ petitioner possesses the qualification of LLB and M.L., Degrees and the initial payment of Rs. 400/- per month was paid and subsequently, was paid on hourly basis. Further the writ petitioner claims that he is entitled to receive the salary as per the norms of the University Grants Commission.

3.Earlier the writ petitioner filed WP (MD)No.10647 of 2009 and this Court passed an order on 20.10.2009, directing the authorities to pass orders on the representation submitted by the petitioner and pursuant to the direction issued by this Court, the Government issued G.O.Ms.No.88 (Higher Education) Department, dated 27.01.2010.

4.The learned Counsel appearing on behalf of the 4th respondent also sustained the Government order by stating that the writ petitioner has not possessed requisite qualifications as per the University Grants Commission's Norms and therefore, the salary as fixed by the University Grants Commission's regulations cannot be granted to the writ petitioner. The learned Additional Government Pleader appearing on behalf of the respondents 1, 2 and 3 made submissions that the position in this regard has been explained in paragraph number 6 of the Counter affidavit filed by the 2nd respondent, which reads as follows:-

"6.With regard to the averments made in paragraph 4 to 13 the affidavit, it is submitted that the Government Order issued in G.O.(MS)No.234, Law Department dated is only applicable to the Part-time Lecturers working in the Government Law College. The petitioner has not eligible for claiming his pay on par with the pay of Part time Lecturers working in the Government Law College, since he is working in an Aided College. In Aided Colleges, the College Committee is the appointing authority and competent to fix the pay. The petitioner repeatedly sent representations to the 1st respondent and requesting the 1st respondent to consider is illegal, arbitrary and without any justification. Therefore, the order issued in G.O.(MS)No.88, Higher Educational (G-1) Department dated 27.04.2010 is valid before the eye of law."

Accordingly, it is categorically stated that the writ petitioner is not eligible to receive the salary as per the University Grants Commission regulations and norms provided, if the writ petitioner fulfils the minimum required educational qualification



as prescribed by the University Grants Commission's regulations and norms. However, the writ petitioner has not secured the requisite qualifications as per the University Grants Commission's norms and regulations.

5. This being the factum of the case, the order of rejection passed by the respondent is in accordance with law and there is no infirmity as such. This apart, the writ petitioner had already, on attaining the age of superannuation, retired from service. Thus, in view of the above submissions made by the respective learned Counsel, no further adjudication needs to be undertaken. Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP(MD)No.1 and 2 of 2011 are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Department of Higher Education,
Fort St. George, Chennai - 600 009.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.

+1cc to Mr. Thayumanaswamy, Advocate Sr.No.45415

+1cc to M/s. Isaac Chambers, Sr.No.45457

+1cc to Spl. Government Pleader Sr.No.45954

DSK

VB/SKN/RSK/SAR2/23.02.2018/3P/7C

**ORDER MADE IN
W.P (MD) No. 963 of 2011
31.01.2018**