

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.7081 of 2019

G.Krishnan

.. Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai-600009.

2.The Director of Collegiate Education,
Chennai-600006.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the respondents to take action on the petitioner's representation dated 28.12.2018 addressed to the second respondent requesting for filling up Assistant Professor Vacancies in the Government Aided Colleges in Chennai.

Petitioner : Mr.P.Rajendran

For Respondents : Mr.V.Kathirvel
Special Government Pleader
(Higher Education)

सत्यमेव जयते

O R D E R

(Order of this Court was made by S.MANIKUMAR, J.)

Petitioner has sought for a Writ of Mandamus, directing the respondents, to take action on his representation, dated 28.12.2018, addressed to the Director of Collegiate Education, Chennai, the second respondent herein, requesting him to fill up of the vacancies in the post of Assistant Professor in Government Aided Colleges in Chennai.

2. On instructions from the Director of Collegiate Education, Chennai, Mr.V.Kathirvel, learned Special Government Pleader (Higher Education), submitted that the Government have issued G.O.(D).No.229, Higher Education (E2) Department, dated

03.12.2014, directing the Director of Collegiate Education, to take expeditious steps to constitute a committee for each region to inspect the vacant teaching posts, for the period between 01.06.2011 and 31.05.2014. The committee comprising of (i) concerned Regional Joint Director of Collegiate Education (ii) Principal from Government College and (iii) Two Associate Professors (Government Colleges), inspected and verified the vacant teaching posts, during the abovesaid period.

3. He further submitted that the Director of Collegiate Education, Chennai, in his proceedings in RC.No.12229/G3/2014, dated 17.12.2014, has constituted a committee for Chennai Region to inspect and submit a report, regarding the vacant teaching posts, during the period between 01.06.2011 and 31.05.2014, in Government Aided Colleges in Chennai Region. From the scrutinising committee's report, it was found that totally 281 teaching posts were vacant, during the period from 01.06.2011 to 31.05.2014 in 27 Government Aided Colleges in Chennai Region.

4. On instructions from the Director of Collegiate Education, Chennai, learned Special Government Pleader further submitted that as of now, totally 17 colleges have been permitted by the Director of Collegiate Education to fill up 190 vacant teaching posts and the remaining 91 vacant teaching posts are yet to be permitted to be filled up. He also submitted that continuous action has been taken, permitting the concerned Aided Colleges to fill up the remaining teaching posts, which fell vacant during the period between 01.06.2011 and 31.05.2014. Details of the vacant posts in the Colleges, are as follows:-

Directorate of Collegiate Education, Chennai-6

COLLEGE WISE - TEACHING VACANCY		
S.NO	COLLEGE NAME	Teaching Vacancy as per Scrutiny Committee Report (1.6.2011-31.05.2014)
CHENNAI REGION		
1	D.D.G.D. Vaishnav College, Arumbakkam, Chennai 600 106.	14
2	The Ethiraj College for Women, Chennai 600 105.	18
3	Madras School of Social Work, Egmore, Chennai 600 008.	1
4	Y.M.C.A College of Physical Education, Chennai 600 035.	2
5	Meenakshi College for Women, Chennai 600 024.	20

COLLEGE WISE - TEACHING VACANCY		
6	The Women's Christian College, Chennai 600 006.	3
7	D.R.B.C.C.C Hindu College, Pattabiram, Chennai - 72.	4
8	S.D.N.B. Vaishnav College for Women, Chrompet, Chennai 600 044.	12
9	A.M.Jain College, Meenambakkam, Chennai 600 114.	8
10	D.B.Jain College, Thoraipakkam, Chennai 600 096	6
11	Madras Christian College, East Tambaram, Chennai 600 014.	3
	Total	91

5. At the time, when the petitioner filed this writ petition, the number of vacancies in 12 Government Aided Colleges, were 122. Now, as per the version of the Director of Collegiate Education, Chennai, there were 281 vacancies in teaching posts, for the period between 01.06.2011 and 31.05.2014 in 27 Government Aided Colleges in Chennai Region and out of which, 190 vacant teaching posts have been permitted to be filled up. Admittedly, 91 vacant teaching posts are yet to be permitted to be filled up.

6. Chapter - III of the Tamil Nadu Private Colleges (Regulation) Act, 1976, deals with College Committee, and its Constitution and Functions. Functions of the college committee and responsibility of educational agency are given under Section 14 of the Tamil Nadu Private Colleges (Regulations) Act, 1976. Section 14(b) of the said Act, deals with appointment of the teachers and other persons in private college, fix their pay and allowances and define their duties and the conditions of their services. Thus, under this statutory provision, college committee is mandated to appoint teachers and other persons.

7. Admittedly, there are 91 vacant teaching posts in Government Aided Colleges. When there are large number of vacant teaching posts in Government Aided Colleges, no specific reason is assigned by the Director of Collegiate Education, Chennai, as to why the posts are kept vacant. When there are several qualified persons in the live register of Employment Exchange and Open Market, and waiting in the long queue, filling up of the posts ought to have been addressed by the Directorate. Posts are sanctioned only to be filled up. For imparting quality education to the students, no posts can be kept vacant. Besides,

serving teachers cannot be put to hardship, due to non-filling up of the posts. No purpose would be served in keeping the posts vacant. Respective colleges are bound to adhere to the statutory provisions and appoint teachers, so as to impart quality education to the students, maintain their standards and prevent hardships to other teachers, as they are likely to be burdened by taking more number of classes. As per the statutory provisions, it is the duty of respective College Committees of the Government Aided Colleges, to fill up the vacant teaching posts, and consequently, the Director of Collegiate Education or their respective Regional Directors, to permit the Government Aided Colleges to fill up the vacant teaching posts.

8. Having identified the vacancies for the period between 01.06.2011 and 31.05.2014, no materials have been placed before this Court to show that the Director of Collegiate Education, Chennai has given any instruction, to fill up the remaining vacancies in Government Aided Colleges, who have not taken any steps to fill up the vacant teaching posts.

9. In view of the above, Director of Collegiate Education, Chennai, second respondent herein, is directed to issue instructions to the remaining Government Aided Colleges, to take steps to fill up the vacant teaching posts, within a particular time. On receipt of the same, the Principals/College Committees of the respective Colleges, are directed to take steps to appoint the vacant teachers and other persons, as expeditiously as possible and the same be monitored by the Director of Collegiate Education, Chennai, second respondent herein. The said exercise shall be completed within a period of two months, from the date of receipt of a copy of this order. It is made clear that the Model Code of Conduct, would not restrain the enforceability of the orders of this Court.

10. With the above directions, instant writ petition is disposed of. No Costs.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

To

1.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai-600009.

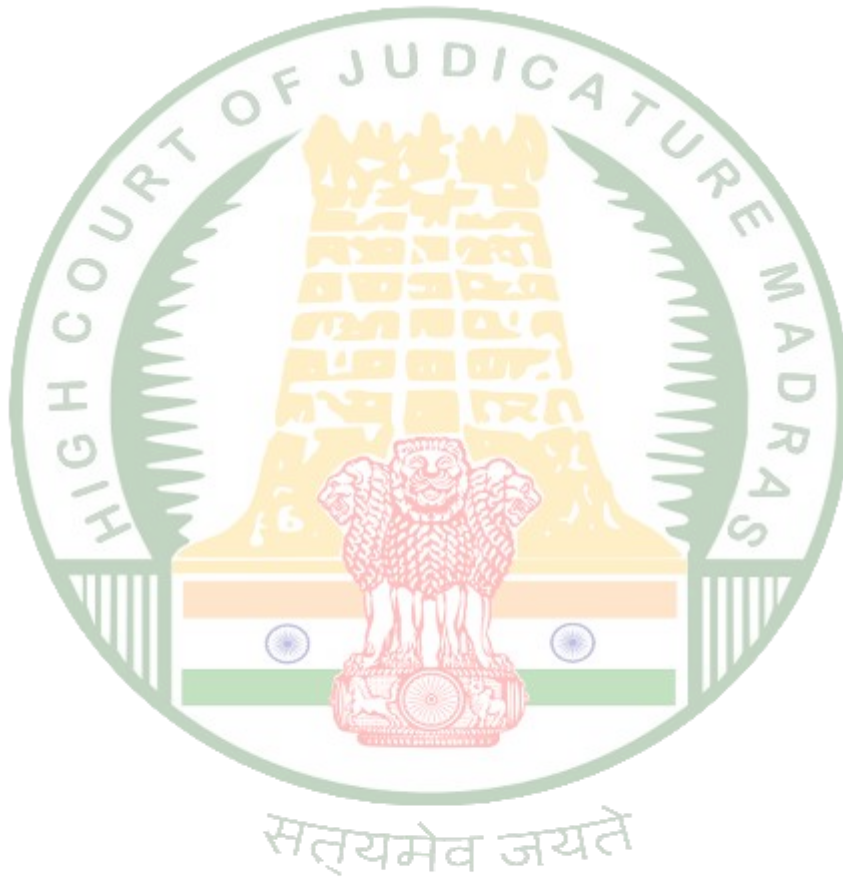
2.The Director of Collegiate Education,
Chennai-600006.

+lcc to Mr.P.Rajendran, Advocate, S.R.No.33580

W.P.No.7081 of 2019

SJ(CO)

RRS (28/05/2019)



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