

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :14.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.Nos.31713 & 32037 of 2019

Dr.R.Kumaresan .. Petitioner in
WP 31713 of 2019

Dr.V.Hari das .. Petitioner in
WP 32037 of 2019

Vs

- 1 Joint Director of collegiate
Education Coimbatore-18.
- 2 The Principal,
KSG college of Arts and Science
Coimbatore 641015.
- 3 KSG College of Arts and Science
Rep. by the secretary,
Coimbatore- 641015.
- 4 Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai-6. .. Respondents in
both W.Ps.

WP.NO.31713/2019:

Writ Petition filed under Article 226 of the Constitution of India praying to issue appropriate Writs, Orders or Directions and in particular issue a Writ in the nature of MANDAMUS, directing the 1st Respondent to direct the 2nd Respondent to issue the Experience Certificate in the Format Prescribed by the 4th Respondent and the Salary Acquittance certificate for the Period from 14.6.2007 to 10.6.2017 expeditiously.

Prayer in WP.No.32037/2019:

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 2nd respondent to issue the Experience Certificate in the format prescribed by the 4th respondent and the Salary Acquittance Certificate for the period from 11.9.2006 to 20.6.2018 expeditiously and pass such or other orders.

For Petitioner : Mr.R.Subramanian
For Respondent : Mr. V.Kadirvelu, Spl.G.P.(Edn.) for R1
Mr.C.Munusamy, Spl.G.P.-R4

COMMON ORDER

Since the issue and the prayers in both the Writ Petitions are one and the same, these Writ Petitions are taken up together for final disposal.

2. The petitioners have come forward with the present Writ Petitions, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to direct the 2nd respondent to issue Experience Certificates in the format prescribed by the 4th respondent and salary acquittance Certificate for the period from 14.06.2208 to 10.06.2017 and 11.09.2006 to 20.06.2018 to the petitioners respectively without any delay.

3. According to the petitioners, they were appointed as Assistant Professors by the 3rd respondent and worked in the 3rd respondent College during the periods as mentioned above and subsequently, their services came to be terminated by the 3rd respondent vide letter dated 10.06.2017, which was challenged before this Court, wherein, this Court granted interim stay in respect of order of termination. Thereafter, since the 3rd respondent did not pay the salary and assign any work, the petitioners moved contempt petitions, which came to be withdrawn by the petitioners in view of the undertaking and assurance given by the 3rd respondent to disburse the salary arrears and to issue proper relieving order and experience certificate.

Be that as it may, the 4th respondent herein, i.e. Teachers Recruitment Board invited applications for appointment to the posts of Assistant Professor in Government Colleges and as per selection procedure, the incumbent is entitled to 15 marks for the previous experience as Assistant Professors in aided/self financed colleges, subject to producing the experience certificate in the format annexed to the application. Therefore, the petitioners approached the 2nd respondent and requested him to furnish experience certificate for the period during which they worked as Assistant Professors in 3rd respondent college and they also made representations on 23.10.2019. However, there is no action forthcoming from the respondents, which prompted the petitioners to approach this Court as the last for submission of the application is 15.11.2019.

The learned counsel appearing for the petitioners would submit that there is no dispute as regards the petitioners

worked in the 3rd respondent College as Assistant Professors during the respective periods and despite the assurance and promise given by the 3rd and 2nd respondents and despite the representations of the petitioners, no Experience Certificates in the prescribed format have been issued to the petitioners enabling them to apply for the post of Assistant Professor in Government College pursuant to the Notification issued by the 4th respondent. Hence, the learned counsel seeks appropriate direction to the respondents as sought for in the writ petitions.

The learned Special Government Pleaders appearing for the respondents while conceding the claim of the petitioners, would submit that if any direction is given to the 2nd respondent, the same would be complied with forthwith in accordance with law.

Considering the facts and circumstances and the submissions made on either side and since the petitioners are in dire requirement of Experience Certificates in order to apply for the post of Assistant Professors pursuant to the notification issued by the 4th respondent, the 2nd respondent is directed to issue Experience Certificates in the prescribed format immediately on production of a copy of this order and also consider and dispose of the representations made by the petitioners on 23.10.2019 by passing appropriate orders therein, in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

1 The Joint Director of collegiate
Education Coimbatore-18.

2 The Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai-6.

+1cc to Mr.R.Subramanian, Advocate sr.94783(16/12/2019)

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