



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

DATED: 29.07.2019

CORAM:

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

WEB COPY

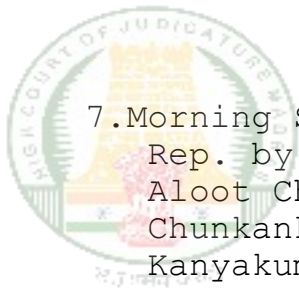
**W.P. (MD)No.13765 of 2009**

Polytechnic and Engineering College  
Teachers Association, Regn.No.81/2000,  
Rep. by its President V.Selvaraj,  
Having Office at No.1, J.P.Bhavan,  
North Car Street,  
Nagercoil,  
Kanyakumari District.

... Petitioner

Vs.

- 1.Union of India,  
Rep. by its Secretary,  
Ministry of Human Resource Development,  
Department of Education,  
New Delhi.
- 2.The Director of Technical Education,  
Guindy,  
Chennai-600 023.
- 3.All India Council for Technical Education,  
Indra Gandhi Sports Complex,  
1-P Estate,  
New Delhi-110 002.
- 4.Kalaivanar N.S.K.Polytechnic College,  
Rep. by its Correspondent,  
V.O.C.nagar, Chenbagaramanputhooor,  
Kanyakumari District.
- 5.Moderator Gnanadasan Polytechnic,  
Rep. by its Correspondent,  
Pudhukudieruppu,  
Nagercoi-629 001,  
Kanyakumari District.
- 6.Sree Krishnan Polytechnic College,  
Rep. by its Correspondent,  
Kalliancaud, Nagercoil.  
Kanyakumari District.



7.Morning Star Polytechnic College,  
Rep. by its Correspondent,  
Aloot Chunkankadai Road,  
Chunkankadai, Nagercoil-629 003,  
Kanyakumari District.

8.St. Xavier's Catholic College of Engineering,  
Rep. by its Correspondent,  
Chunkankadai,  
Nagercoil-629 003,  
Kanyakumari District.

9.Ponjesley College of Engineering,  
Rep. by its Correspondent,  
Alamparai, near Parvathipuram,  
Nagercoil-629 003,  
Kanyakumari District.

10.C.S.I.Institute of Technology,  
Rep. by its Correspondent,  
Thovalai-629 302,  
Kanyakumari District.

11.Sun College of Engineering,  
Rep. by its Correspondent,  
Erachakulam Post-629 002,  
Kanyakumari District.  
(Respondents 4 to 11 are impleaded  
as per the order of the Court)

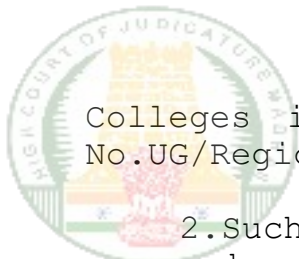
... Respondents

**PRAYER:** Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to direct all the Polytechnics and Engineering Colleges in Tamil Nadu to implement its notification in Letter No.UG/Regional/2002-03/01, dated 22.10.2003.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.R.Subramanian                                |
| For R1         | : Mr.S.Jeyasingh                                  |
| For R2         | : Mr.K.Mu.Muthu,<br>Additional Government Pleader |
| For R3         | : Mr.N.Dilip Kumar                                |
| For R6         | : Mr.Gnanagurunathan                              |
| For R7 & R8    | : Mr.K.N.Thampi                                   |
| For R9         | : Mr.T.Lajapathi Roy                              |

**ORDER**

The writ petitioner is a Polytechnic and Engineering College Teachers Association. The writ petition is filed for a direction to the third respondent to direct all the Polytechnics and Engineering



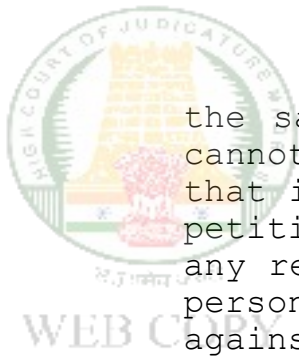
Colleges in Tamil Nadu to implement its notification in Letter No.UG/Regional/2002-03/01, dated 22.10.2003.

2. Such an Omnibus prayer without any specific instances can never be entertained. This apart, payment of salary is the grievance of the employee concerned. Thus, the Association in general cannot file a writ petition for the purpose of paying correct salary or otherwise. This apart, even the list of members, who all are beneficiaries, are not enclosed along with the writ petition. Even the beneficiary members are not known to this case. The number of beneficiaries, the category in which they are working nothing has been stated in the writ petition. Such blanket writ petitions cannot be entertained for the purpose of issuing a direction in the matter of settlement of salary to the employees. Salary is an individual grievance. If at all any person is aggrieved in respect of the non payment of the salary in accordance with the regulations issued by the All India Council for Technical Education, then the aggrieved employee alone is entitled to approach the Court of law for the purpose of redressal of his grievance.

3. The learned counsel appearing on behalf of the respondents 7 & 8 made a complaint against the writ petitioner's Association by stating that the writ petitioner Association is filed the writ petition and threatening the employees' of the respondents 7 & 8 College and thereby causing certain threat to the Management. This apart, the learned counsel for the respondents 7 & 8 made a submission that by virtue of this writ petition, Association is demanding admission for PG courses and other courses. With reference to the above submission, counter affidavit filed by the respondents 7 & 8 College reads as under:-

"3. At the outset, I respectfully submit that the affidavit and writ petition under reply are mala fide, motivated and unsustainable, as against respondents 7 & 8. When the writ petition was originally filed in 2009, respondents 7 and 8 were not impleaded therein, but they were additionally impleaded far later in 2009. The petitioner has no cause of action against respondents 7 and 8 and hence the writ petition as against respondents 7 and 8 is liable to be dismissed. It is pertinent to note that the petitioner has not pleaded any cause of action as against respondents 7 and 8. I respectfully submit that the writ petition as against respondents 7 and 8 is mala fide and motivated, inter alia, in that the same is an attempt at terrifying the said respondents and humbling them to dance to the tunes of interested parties including the petitioner.

4. I respectfully submit that no member of the staff of respondents 7 and 8 is a member of the alleged petitioner-association, and on this very score, the petitioner-



the said respondents 7 and 8. The petitioner association cannot seek any relief for anybody, who is not part of it, that is, who is not its member, but who is a stranger. The petitioner association has no right or authority to seek any relief for any person, without being authorized by that person. Hence, the writ petition is un-maintainable as against respondents 7 and 8."

4.The learned counsel appearing on behalf of the All India Council for Technical Education/third respondent also states that the communications were also sent to all the Universities and Colleges for scrupulously following the regulations issued by the AICTE in respect of the educational qualifications, pay scales and other criteria. It is further contended that in the event of any violations, the teacher concerned or the employees working are entitled to submit a complaint to the AICTE and in the event of any such complaint, all suitable actions will be taken against the authorities concerned.

5. The learned counsel appearing on behalf of the 9<sup>th</sup> respondent also states that there is no specific allegations raised against the 9<sup>th</sup> respondent and therefore, the writ petition is devoid of merits and no such prayer in general can be issued in view of the fact that Association cannot maintain the writ petition in respect of the grievance in relation to the payment of salary to the Teachers in accordance with the regulations issued by the AICTE.

6.The Association filing this kind of writ petition can never be encouraged. Aggrieved persons must be provided with an opportunity to approach the Court in the event of any grievance. In this regard, even in case of such general violation, the Association can approach the AICTE instead of filing the writ petition directly without even properly submitting a complaint along with the proof, if any, to the competent authorities. It is made clear that only in the event of specific allegations in respect of any such specific grievance then alone, appropriate authorities can look into the issue and resolve the same with reference to the regulations and statutory rules in force. However, the relief as such sought for in the present writ petition, which is general in nature, deserves no merit consideration.

7.Accordingly, the writ petition stands dismissed. No costs.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar



To

1 The Director of Technical Education,  
Guindy,  
Chennai-600 023.

2.The Secretary,  
Union of India,  
Ministry of Human Resource Development,  
Department of Education,  
New Delhi.

3.All India Council for Technical Education,  
Indra Gandhi Sports Complex,  
1-P Estate,  
New Delhi-110 002.

+1 CC to M/s.S.JEYASINGH, Advocate ( SR-78168[F] dated 29/07/2019 )

+1 CC to M/s.K.N.THAMPI, Advocate ( SR-78311[F] dated 29/07/2019 )

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-78387[F] dated  
30/07/2019 )

+1 CC to M/s.R.SUBRAMANIAN, Advocate ( SR-78407[F] dated  
30/07/2019 )

+1 CC to M/s.SPL GP ( SR-78539[F] dated 30/07/2019 )

+1 CC to M/s.N.DILIP KUMAR, Advocate ( SR-78565[F] dated  
30/07/2019 )

+1 CC to M/s.M.GNANAGURUNATHAN, Advocate ( SR-78601[F] dated  
30/07/2019 )

**W.P. (MD) No.13765 of 2009**

**am**

JM/23.09.2019/5P/11C