

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.11.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.1030 of 2014

1.The Secretary,
Law Department,
Government of Tamil Nadu,
St. George Fort,
Chennai-9.

2.The Director,
Directorate of Legal Studies,
Purasawalkam,
Chennai-10.

3.The Principal,
Government Law College,
Coimbatore-641 046.

Appellants/Respondents

Vs.

1.R.Ghunasekaran
2.V.Lavanya
3.S.Ramakrishnan
4.P.Reka
5.D.Bennet Paul Giftson
6.N.Thangaraj
7.S.Purushotham Kausik
8.A.P.Divya
9.P.Umarajeswari
10.K.Vanitha Kumar
11.R.Shakila
12.R.Karthighai Selvan
13.Dr.R.Malarvizhi
14.S.Selvakumari
15.T.Nagarajan

... Respondents/Petitioners

Prayer: Appeal filed under Clause 15 of the Letters Patent
against the order dated 14.12.2012 made in W.P.No.33768 of 2012.

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Prayer in WP.No.33768/12: Writ Petition praying for a writ of Mandamus directing the respondents to implement the UGC guideline No.F.10-1/2009(PS) dated February 2010 and to refix the Honourarium paid for the Guest Lecturers delivered by the petitioners as Rs.1000/- per hour to the maximum of Rs.25 000/- per month by considering the petitioner representation/Memorandum dated 12.9.2012.

For Appellants : Mrs.Narmadha Sampath
Addl. Advocate General
assisted by
Mr.V.Jayaprakash Narayanan
State Government Pleader

For Respondents : Mr.E.C.Ramesh
for respondent No.1

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

Heard learned Additional Advocate General for the appellants and learned counsel for the first respondent petitioner.

2. Learned Additional Advocate General contends that the impugned judgment has proceeded on the strength of the judgment of a learned Single Judge in W.P.(MD) No.4468 of 2012, decided on 22.8.2012. She has pointed out that the said judgment has been reversed in W.A.(MD) No.205 of 2013 on 22.2.2013. We have perused the same. There is no doubt that the said judgment has been reversed.

3. However, learned counsel for the first respondent vehemently urged that the respondents otherwise are also entitled to the benefits of the revised payments that had been announced by the University Grants Commission and consequently, this payment deserves to be made to the respondents, which is being deliberately withheld by the appellants.

4. Learned Additional Advocate General submits that payments have been made with effect from 28.5.2018 at the rate of Rs.30,000/- as an interim measure, which is subject to the outcome of the writ appeal.

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5. We see no reason now to keep the matter pending, as we are satisfied that the foundation on which the writ petition was allowed has vanished, but on the other hand, the question as to whether the UGC norms as prescribed under the February, 2010 guidelines are available to the respondents or not?

6. Learned Additional Advocate General submits that the respondents are not appointed against sanctioned post and there has been no procedure followed.

7. The UGC norms are extracted herein under:

"The UGC has decided that the Guest/Part-time Teachers who possess the minimum qualification for the post of an Assistant Professor should be paid Rs.1,000/- per lecture to a maximum of Rs.25,000/- per month. Revised guidelines for the appointment of Guest/Part-time Teachers are as under:-

1. Guest/Part-time Teachers may be appointed only against sanctioned post.
2. The qualifications for Guest/Part time Teachers should be same as those prescribed for the regular teachers of Universities/Colleges in UGC's Regulation.
3. Selection procedure for appointing Guest/Part time Teachers should be the same as for a regularly appointed teachers.
4. Guest/Part time Teachers may not be treated like regular teachers of the faculty for the purpose of voting rights or for becoming the members of the boards of studies.
5. Retired teachers may also be considered for appointment for Guest/Part time teachers.
6. Guest/Part time teachers may not be given the benefit of allowances, pension, gratuity etc.

These guidelines will come into force w.e.f. 1.1.2010."

8. There is no finding by the learned Single Judge on this issue.

9. Accordingly, on both counts, the appeal deserves to be allowed. We, accordingly, set aside the impugned judgment dated

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14.12.2012 and remit the matter back to the learned Single Judge for decision afresh in accordance with law as early as possible. No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Law Department,
Government of Tamil Nadu,
St. George Fort,
Chennai-9.
- 2.The Director,
Directorate of Legal Studies,
Purasawalkam,
Chennai-10.
- 3.The Principal,
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Copy to: The Section Officer,
Writ Section,
High Court Madras.
(To list the WP as early as possible)

+1cc to the Government Pleader SR.35444

W.A.No.1030 of 2014

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