



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) .No.7489 of 2020

and

W.M.P. (MD) Nos.6956, 6957, 6959 to 6961 of 2020

WEB COPY

- 1) S.Amuthavani
- 2) K.Meena
- 3) M.Shanmuga Sundari
- 4) S.Kohila

.. Petitioners

Vs.

- 1) The State of Tamil Nadu,
Rep. by its Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai.
- 2) The Director of Collegiate Education,
O/o the Director of Collegiate Education,
9th Floor, EVK Sampath Building,
College Road, Chennai 6
- 3) The Regional Director of Collegiate Education,
O/o the Regional Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.
- 4) The Manonmaniam Sundaranar University,
Rep. by its Registrar,
Abhisekapatti, Tirunelveli District.
- 5) Dr.D.Elamparuthi,
(Annamalai University Surplus Teaching Staff),
Assistant Professor,
10, Gandhi Nagar,
Chidambaram - 608 001

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Na.Ka.No.6354/D5/2020 dated 25.02.2020 on the file of the respondent no.2 and quash the same as illegal in so far as filling up the post of the Assistant Professor, Business Administration is concerned at Government Arts and Science College, Sathankulam, Tuticorin District and consequently direct the respondents 1 to 4 to permit the petitioners to continue as Assistant Professors in Business Administration in the Government Arts and Science College,



Sathankulam, Tuticorin District within the time frame stipulated by this Court.

For Petitioners : Mr.M.Mahaboob Fazil
For Mr.T.Lajapathi Roy
For RR 1 to 3 : Mr.S.Dhayalan,
Government Advocate

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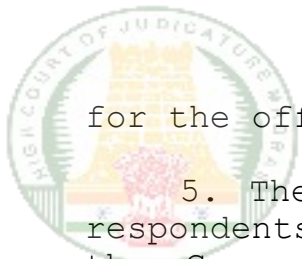
ORDER

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, seeking to call for the records pertaining to the impugned order made in Na.Ka.No.6354/D5/2020, dated 25.02.2020 on the file of the second respondent and subsequently to quash the same as illegal, in so far as filling up the post of Assistant Professor, Business Administration is concerned at Government Arts and Science College, Sathankulam, Tuticorin District and consequently, for issuance of a direction to the respondents 1 to 4 to permit the petitioners to continue as Assistant Professors in Business Administration in the Government Arts and Science College, Sathankulam, Tuticorin District.

2. The petitioners have been temporarily working in a Government College at Sathankulam, Thoothukudi District. They have come forward now, to challenge the deputation given to the fifth respondent by the Government (i.e.) the Director of Collegiate Education, through proceedings Na.Ka.No.6354/D5/2020, dated 25.02.2020, under which, 137 excess teaching staff/ Assistant Professors working in Annamalai University, Chidambaram, had been deputed to various Government Colleges, as the strength of these teachers are excess in Annamalai University. Therefore, in order to utilise their services in best way, the Government decided to give them deputation for three years period on contract basis to work in various Government Colleges.

3. It is the case of the petitioners that, since they were working in a Government College at Sathankulam, where the fifth respondent, one among the deputed Teachers, who have been deputed through the impugned order dated 25.02.2020, is going to be appointed on deputation and it is the apprehension of the petitioners that, once the fifth respondent is appointed on deputation for three years period at the Government College at Sathankulam, where the petitioners are working, then, the petitioners' service would be terminated. Only on this apprehension and on opposing the move of the Government/ Director of Collegiate Education to depute excess teaching Professors from Annamalai University to various Government Colleges, this Writ Petition has been moved with the aforesaid prayer.

4. I have heard Mr.M.Mahaboob Fazil, learned counsel appearing on behalf of Mr.T.Lajapathi Roy, learned counsel appearing for the petitioners and Mr.S.Dhayalan, learned Government Advocate appearing



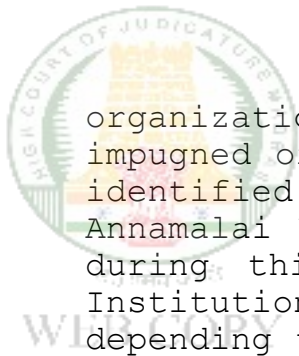
for the official respondents 1 to 3.

5. The learned Government Advocate appearing for the official respondents would submit that, it is the policy decision taken by the Government to depute many number of excess teaching staff working in Annamalai University to various Government Institutions/ Colleges throughout Tamil Nadu and, in phased manner such kind of deputation has taken place and the present impugned order is one such order passed by the second respondent. So far as the claim of the petitioners are concerned, these petitioners were engaged on temporary basis as Lecturers/ Assistant Professors at Government Colleges, especially at the Government College, Sathankulam and they have been as on date, as claimed by them, are working and once the deputed Assistant Professors from Annamalai University are posted at various Colleges, including the College where the petitioners are working, the petitioners cannot seek as a matter of right that they should be retained and the deputed Assistant Professors shall not be posted there. That kind of right is not accrued on the petitioners. Therefore, they have no locus to challenge the deputation order issued through the impugned order by the first respondent. Hence, no interference is required in the impugned order, he contended.

6. I have considered the submissions made by the learned counsel appearing on both sides and also perused the materials placed before this Court.

7. As rightly pointed out by the learned Government Advocate appearing for the official respondents, that Annamalai University was originally a private University and subsequently by an Act of Legislature, it has been taken over by the Government and now, the Government is heavily funding on the said University to meet salary and other running expenditure every month that has caused great burden to the State Exchequer. Even according to the rough calculation given by the Education Department of the State Government as well as the Annamalai University Administration, the existing staff, who are in the role of the Annamalai University, especially the teaching faculty are concerned, many number of excess staff are still working and the staff strength, as per the requirements and sanction, the actual persons who have been already appointed and working at Annamalai University when taken into account, it is seen that more than 100% are excess staff than the required strength. Illustratively, suppose if 100 staff are required, then it is seen that 200 or more people are working. Therefore, the Government thought it fit to issue Government Orders in this regard to depute the excess teaching and non-teaching staff working in Annamalai University to various Government Departments and Government Educational Institutions.

8. Pursuant to the said policy decision taken by the Government, in phased manner teaching faculties as well as non-teaching staff are being deputed to various institutions and



organizations under the Government of Tamil Nadu and the present impugned order is one such move, where, 137 teaching faculties are identified to be excess teaching staff and are moved out from the Annamalai University on deputation for a period of three years and during this period, they will be placed at various Government Institutions on contract basis to work there and thereafter, depending upon the need arising in the Annamalai University as well as in other institutions, suitable decisions would be taken by the Government as to whether those deputed teachers have to be drawn back to Annamalai University or not.

9. Therefore, the said policy decision taken by the Government and the follow up action taken up by the Director of Collegiate Education as has been done in the impugned order cannot be found fault with, as the Government has no option except to do this method in order to retain all excess teaching and non-teaching staff working in Annamalai University for their welfare and also their services can be utilized in a better way only if they are deputed to various government institutions, where work can be extracted from them, which will be beneficial to the institutions concerned as well as the employees concerned and therefore, such a procedure adopted by the Government can only be considered as a sound policy decision. Therefore, this Court does not want to interfere in that.

10. So far as the petitioners are concerned, as they have been working as temporarily appointed Assistant Professors and in that case, according to the learned counsel for the petitioners, as on date, they have been working in the colleges, where they were working and if at all their services are considered to be not necessary in future and if any decision is taken to send out these petitioners, at that time, it is open to the petitioners to agitate the said issue in the manner known to law and therefore, based on the mere apprehension that because of the deputation which is going to take place, those deputationists will replace these petitioners, this writ petition cannot be filed and the prayer sought for in this writ petition cannot be countenanced.

11. For all the reasons stated above, this Court is of the considered view that the relief sought for in this writ petition cannot be granted. Therefore, this writ petition fails and hence, the same is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

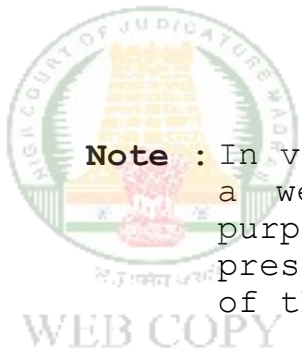
Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1) The Principal Secretary, State of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai.
- 2) The Director of Collegiate Education,
O/o the Director of Collegiate Education,
9th Floor, EVK Sampath Building,
College Road, Chennai 6
- 3) The Regional Director of Collegiate Education,
O/o the Regional Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.

Order made in
W.P. (MD) .No.7489 of 2020

Dated:
10.07.2020

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AP(07/08/2020) 5P 4C