

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.2441 OF 2021

AND

W.M.P.NO.2756 OF 2021

Dr.S.Jayaprakash

... Petitioner

Vs

1. The Director of Collegiate Education,
Nungambakkam, Chennai.

2. The Regional Joint Director,
Collegiate Education,
Katpadi, Vellore District.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to issue teaching experience certificate from the period he served as a guest lecturer that is 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019 on the basis of the representation given by the petitioner on 03.10.2020.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.Karthikeibalan
Government Advocate

O R D E R

This writ petition has been filed, seeking a direction to the respondents to issue Teaching Experience Certificate from the period the petitioner served as a guest lecturer that is 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019 on the basis of the representation given by the petitioner on 03.10.2020.

2. Mr.Karthikeibalan, learned Government Advocate takes notice on behalf of the respondents. By consent of both parties,

the writ petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that he was working as a Guest Lecturer in the Government Thirumagal Mills College, Gudiyatham for the past 15 years. The petitioner has applied for the post of Assistant Professor call for by the Teachers Recruitment Board. The marks will be awarded to the candidates for teaching experience and qualification based on the certificate produced along with the application Form. The Principal of the college issued teaching experience certificate for the years 2008-2009, 2017-2018 and 2018-2019 by ignoring 8 years. Now the respondents are going to recruit Assistant Professors from the Guest Lecturers under special recruitment and instructed the principal to collect teaching experience certificate and forward the same to the respondents. The principal of the college has not collected the certificate from the petitioner for the reason that the petitioner has not possess more than 5 years of Teaching experience, though he served the institution for 15 years. Hence, the petitioner has made a representation dated 03.10.2020 to the respondents to issue Teaching Experience Certificate in addition for the above said period of 8 years (i.e., 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017), in the light of the orders passed by this Court in W.P.No.18186 of 2013, dated 12.07.2013. As there was no action on the part of the respondents, the petitioner is before this Court by way of filing the writ petition.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner will be considered in terms of Rules / Guidelines / norms, after affording an opportunity of hearing to the petitioner.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the authorities concerned, this Court directs the respondents to consider the representation of the petitioner dated 03.10.2020, if not already considered, by taking note of the the Judgment of this Court made in W.P.No.18186 of 2013, dated 12.07.2013, if the guidelines are applicable to the petitioner and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of thirty (30) days from the date of receipt of a copy of this order.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated

03.10.2020 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To:

1. The Director of Collegiate Education,
Nungambakkam, Chennai.
2. The Regional Joint Director,
Collegiate Education,
Katpadi, Vellore District.

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.8277

+1cc to the Government Pleader, S.R.No.7737

W.P.No.2441 of 2021

and

W.M.P.No.2756 of 2021

JP(CO)

CS/31/03/2021

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