

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5214 of 2021 and

W.M.P. No.5784 of 2021

S.Sarathkumar

... Petitioner

-vs-

1. The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai-600 025.

2.The Principal,
Srinivasa Subbaraya Government Polytechnic College,
Puthur, Sirkali,
Nagapattinam District - 609 108.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to appoint the petitioner as a permanent lecturer in the Department of Electrical and Electronics Engineering, or any Office Level Job in Srinivasa Subbaraya Government Polytechnic College, Puthur, Sirkali - 609 108 or any other Institution under the first respondent.

For Petitioner : Mrs.Nalini Chidambaram,
Senior counsel for
Ms.C.Uma

For Respondents: Mr.S.Karthikeibalan,
Government Advocate

सत्यमेव जयते
O R D E R

This Writ petition is filed, seeking a direction to the 1st respondent to appoint the petitioner as a permanent lecturer in the Department of Electrical and Electronics Engineering, or any Office Level Job in Srinivasa Subbaraya Government Polytechnic College, Puthur, Sirkali - 609 108 or any other Institution under the first respondent.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice for the respondents. By consent, final orders are passed in the Writ Petition at the admission stage.

3. The brief facts of the case are that in the year 2011, the petitioner obtained an educational loan for pursuing degree of Bachelor of Engineering in Electrical and Electronics Engineering and on 02.06.2014, he was appointed as a (Part Time) Lecturer in the Department of Electrical and Electronics Engineering in the second respondent Institution.

4. The learned counsel for the petitioner submitted that as per Circular in Ref.No.212 (Higher Education G1) dated 14.06.2017, the monthly income has been increased from Rs.10,000/- to Rs.15,000/- and thereby the petitioner was entitled to receive a sum of Rs.300/- per hour for theory classes and Rs.150/- for practical classes. Hence, the petitioner has preferred the present Writ Petition with the aforesaid prayer.

5. According to the learned counsel for the petitioner, he has submitted a representation dated 07.12.2020 for appointing him as a Permanent Lecturer, but, the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the respondents, on merits.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioner dated 07.12.2020, if the petitioner is found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 07.12.2020 and this order, to the 1st respondent forthwith;

v) The 1st respondent is 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. 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 delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1.The Director of Technical Education,
Directorate of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai-600 025.

2.The Principal,
Srinivasa Subbaraya Government Polytechnic College,
Puthur, Sirkali,
Nagapattinam District - 609 108.

+1cc to M/s.C.Uma, Advocate Sr.No.13870
+1cc to Government Pleader Sr.No.14174

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PMK (CO)
NR 20/04/2021