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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.6682 of 2020

and

W.M.P.No.7927 of 2020

(Through Video Conferencing)

K.Gowthaman

...Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Secretariat, Chennai.

2. The Commissioner of Technical Education,
Directorate of Technical Education,
Sardarpatel Road, Guindy,
Chennai - 25.

3. The Principal,
Government Polytechnic College,
Arakandanallur, Villupuram District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to treat the petitioners service as fulltime temporary Lecturers as per the G.O.(D).No.290, Higher Education (II) Department, dated 04.11.2019.

For Petitioner : Mr.R.Singaravelan
for Mr.M.Muruganantham

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner has filed this writ petition for a Mandamus, to direct the respondents to treat the petitioner service as full time temporary Lecturers as per the G.O.(D).No.290, Higher Education (II) Department, dated 04.11.2019.



2. The learned counsel for the petitioner submits that there is one vacancy in the post of lecturer as on date. He submits that Thiru.P.Billigraham has been promoted as Regional Officer III which is equivalent to the post of Controller of Examiner. The learned Government Advocate for the respondents is not able to confirm the same.

3. The learned Government Advocate for the respondents reiterates that there are no vacancies and therefore submits that even though the petitioner is otherwise qualified, the petitioner cannot be accommodated in the temporary post. He submits that already all the vacancies for the temporary post have been filled by the lecturers are from Annamalai University and those who were directly recruited.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents. The arguments advanced on behalf of the petitioner that the respondents are not maintaining the ratio between the teacher and the students as per the AICTE norms and there should be more vacancies to accommodate the petitioner cannot be decided in this writ petition.

5. There is no records to substantiate the submission of the learned counsel for the petitioner that Thiru.P.Billigraham who was recruited directly has since been promoted as a Regional Officer III and therefore there is a vacancy. Considering the fact that the petitioner is otherwise qualified and has been serving as a temporary lecturer from 23.08.2010, the respondents are directed to extend the benefit of G.O(D).No.290, Higher Education (II) Department, dated 04.11.2019 modified by revised Guidelines dated 14.01.2020 to the petitioner until the vacancies are filled up on permanent basis. It is made clear that the respondents shall accommodate the petitioner only if there is a vacancy to accommodate the petitioner.

6. This Writ Petition is disposed by directing the respondents to consider the candidature of the petitioner in place Thiru.P.Billigraham if later has been promoted as a Regional Officer III as a consequence of which there could be a vacancy, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



arb

To

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1. The Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Chennai.
2. The Commissioner of Technical Education,
Directorate of Technical Education,
Sardarpatel Road, Guindy,
Chennai - 25.
3. The Principal,
Government Polytechnic College,
Arakandanallur, Villupuram District.

+1cc to M/s.M.Muruganantham, Advocate,Sr.39937
+1cc to the Government Pleader, Sr.40015

W.P.No.6682 of 2020
and
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KSM[co]
NSK 06/09/2021