



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 14256 of 2021

WEB COPY

V. Dhandapani

... Petitioner

Vs.

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

2. The Director of Technical Education,
Guindy,
Chennai - 20.

3. The Correspondent,
Arulmigu Palaniandavar Polytechnic College,
Palani,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to promote the petitioner as Lecturer in the Mechanical Engineering Department in the 3rd respondent College by extending the benefit of G.O. Ms. No. 2406, Education Department dated 31.10.1981 by considering the petitioner's representation dated 01.04.2021.

For Petitioner	:	Mr. V. Panneer Selvam
For RR 1 & 2	:	Mr. S. Shanmugavel
		Government Counsel
For 3 rd respondent	:	Mr. V. R. Shanmuganathan

O R D E R

This petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents to promote the petitioner as Lecturer in the Mechanical Engineering Department in the 3rd respondent College by extending the benefit of G.O. Ms. No. 2406, Education Department dated 31.10.1981 by considering the petitioner's representation dated 01.04.2021.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.



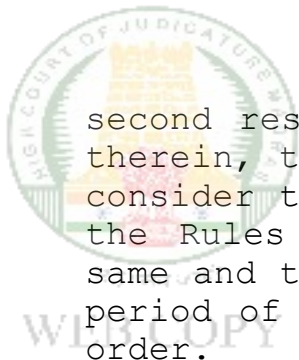
3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, the petitioner's father was died while he was working as Junior Assistant in the third respondent College on 25.02.1999. The petitioner was qualified in D.M.E. (Diploma in Mechanical Engineering) with honours in the year 1999. Since the petitioner's father was the only breadwinner of the family, he made a request for compassionate appointment to the respondent Department. His request was considered and he was appointed as a skilled Assistant on 15.11.1999 in the Mechanical Department on compassionate ground. The petitioner was fully qualified to the post of Instructor. However, his request has not been considered by the respondents. Therefore, the petitioner filed a writ petition in WP.(MD) No.19485 of 2013 and the same was disposed of with a direction to the authority concerned to consider and pass appropriate orders by order dated 09.12.2013. But, petitioner's request was rejected on 17.12.2014. Challenging the same, the petitioner filed a writ petition in WP(MD) No.9704 of 2016 and the same is pending.

5. In the meantime, the petitioner passed B.Tech, Mechanical in the year 2018 and he was promoted to the post of Workshop Instructor in the year 2020. According to the petitioner, now three posts of Lecturer in Mechanical Engineering are kept vacant in the Department. At request of the non-teaching staff of Aided Colleges, the Government has passed G.O.Ms.No.2406, Education Department dated 31.10.1981, wherein, the Government extended the benefit of appointment of non-teaching staff with required qualification to teaching category, provided there is an approved vacancy as permitted by the University. Therefore, he made a representation dated 01.04.2021 to the second respondent requesting to consider him for promotion to the post of Lecturer in Mechanical Engineering. The petitioner has also relied on a decision of this Court rendered in WA.(MD) No.1534 of 2019 (**RM.Ramanathan Vs.The Secretary to Government, Higher Education Department, Chennai and 2 Others**) and similar order to be passed in the present writ petition.

6. The learned Government Counsel appearing for the respondents 1 & 2 would submit that the petitioner is not eligible for promotion as per the Rules. Even though, as stated the petitioner's request will be considered by the respondent and the decision taken will be communicated to the petitioner so as to enable him to proceed further.

7. In view of the order passed by the Division Bench of this Court in W.A.(MD) No.1534 of 2019 dated 08.03.2021 directing the



second respondent to consider the representation of the appellant therein, this Court is inclined to direct the second respondent to consider the petitioner's representation dated 01.04.2021 based on the Rules and G.O., and to take an appropriate decision on the same and the same shall be communicated to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Secretariat,
Chennai.

2. The Director of Technical Education,
Guindy,
Chennai - 20.

+1 CC to M/s. SPL GP (SR-26631[F] dated 18/08/2021)

+1 CC to M/s. V. PANNEERSELVAM, Advocate (SR-26843[F] dated 19/08/2021)

W.P. (MD) No.14256 of 2021
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SRK (CO)
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