



W.P.Nos. 17152 & 17156 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos. 17152 & 17156 of 2022
and WMP.Nos. 16451, 16452 and 16455 of 2022

A.R.Saravanan

..Petitioner in both WPs

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai-600009.

2.The Commissioner of Technical Education,
No. 53, Sardar Patel Road,
Guindy, Chennai-600025.

3.T.B.C. Amaravathi

..Respondents in both WPs

Prayer in W.P.No.17152 of 2022: writ petition is filed under Article 226 of Constitution of India for Writ of Certiorarified Mandamus, calling for records relating to proceedings dated 28.04.2021 having Ref. No. 10243 / B1 / 2018 issued by the 2nd Respondent and the Consequential G.O. Ms. No. 114 Higher Education (12) Department dated 30.04.2021 issued by the 1st Respondent promoting the 3rd Respondent as the Head of Department and appointing her as the Head of Department in the Institute of Textile Technology chennai and quash the same and consequently direct the 2nd Respondent to place the Petitioner as Senior to the 3rd Respondent in the cadre of Lecturer in Textile Technology and promote the Petitioner as Head of Department in the Institute of Textile Technology, Taramani, Chennai-600 113.



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Prayer in W.P.No.17156 of 2022: writ petition is filed under Article 226 of Constitution of India for Writ of Certiorarified Mandamus, calling for records relating to G.O.Ms.No. 113, Higher Education (12) Department, dated 30.04.2021 issued by the 1st respondent and quash the same in so far as the name of the petitioner has not been included in the regular panel for the post of Head of the Department/Textile Technology in Institute of Textile Technology, Chennai for the year 2018-19 but the name of the 3rd respondent who is junior to the petitioner in the regular panel for the post of Head of Department, Textile Technology in the Institute of Textile Technology, Chennai and pass such further or other orders.

For Petitioner : Mrs. Nalini Chidambaram, Senior Counsel
(in both WPs)

For Respondent : Mr.T.Arunkumar, AGP – R1 & R2
(in both WPs)

COMMON ORDER

Challenging the appointment of the 3rd respondent as Head of Department in the Institute of Textile Technology chennai and consequential direction to the 2nd Respondent to place the Petitioner as Senior to the 3rd Respondent in the cadre of Lecturer in Textile Technology and promote the Petitioner as Head of Department in the Institute of Textile Technology, Taramani, Chennai- 600 113, these writ petitions are filed.

2. The learned counsel for the petitioner has submitted that the petitioner after possessing the qualification of Master's degree in Textile Technology in First class with distinction and having more than 5 years experience in teaching and textile industries, had attended the



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written competitive exam held on 26.02.2006 conducted by the Teachers Recruitment Board. The petitioner was selected for the post of Senior Lecturer in Institute of Textile Technology, Government of Tamil Nadu, Taramani, Chennai with pay band of Rs.15,600-39,100 + AGP 7000.

3. The learned counsel for the petitioner has further submitted that the 3rd respondent was initially appointed as Lecturer on contract basis in the Institute of Textile Technology in the year 1998 and every year her contract appointment was renewed by the Government. In the year 2006, the Government had appointed 44 contract lecturers as lecturers on regular basis, the 3rd respondent who possess the qualification of B.Tech, M.Tech and Ph.D was also one among the aforesaid 44 candidates. The petitioner has also got the Ph.D degree in the year 2020. While that being so, the 1st respondent has issued proceedings in Ref.No.10243/B1/2018, dated 28.04.2021, wherein the seniority in the Department of Textile Technology as on 01.01.2018 was fixed. In the said proceedings, the 3rd respondent was show as senior to the petitioner by stating reason that the 3rd respondent was regularly appointed as Lecturer in the year 2006 and was regularised in the said post w.e.f 30.07.2006, but the petitioner was appointed as



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Senior Lecturer in the year 2010 and in the year 2013, the post of Senior Lecturer was changed to Lecturer. Hence as per the date of regularisation, the 3rd respondent was shown as senior to the petitioner.

4. The learned counsel for the petitioner has further submitted that the Government has issued order in G.O.Ms.No. 113, dated 30.04.2021 releasing the regular panel for the year 2018-19 for the post of Head of Department/Textile Technology. In the said panel, the name of the 3rd respondent was included for the post, but the petitioner's name was not found in the said list. Hence, the petitioner made a representation dated 07.06.2021 to the 2nd respondent to include his name in the said panel. The said representation is still pending before the 2nd respondent.

5. The learned Additional Government Pleader has submitted that the representation made by the petitioner is pending with the 2nd respondent and the same will be considered by the 2nd respondent and appropriate orders will be passed within a time frame as fixed by this Court.

6. Considering the facts and circumstances of the case and the



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submission made by the learned Additional Government Pleader, the 2nd respondent is directed to consider the petitioner's representation dated 07.06.2021 on merits and in accordance with law and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner is directed to submit a copy of the representation dated 07.06.2021 along with the copy of this order to the 2nd respondent.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

07.07.2022

Index: Yes / No
Internet: Yes
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D.KRISHNAKUMAR, J.

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To

1.The Principal Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai-600009.

2.The Commissioner of Technical Education,
No. 53, Sardar Patel Road,
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