



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.12483 of 2014

P.R.Jeyarani @
Jeyarani Jerry Austin Doss

...Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Represented by the Secretary to
Collegiate Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Perumalpuram, Thirunelveli.
- 4.Manonmaniam Sundaranar University,
Abishekapatti,
Thirunelveli.
- 5.Women's Christian College,
Represented by the Secretary/Correspondent,
Nagercoil - 629 001.
- 6.The Holy Cross College,
Represented by the Secretary,
Roch Nagar, Nagercoil - 629 001,
Kanyakumari District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 24.10.2000 passed in G.O.Ms.No.434 (Higher Education) Department and quashing that order as far as the petitioner is concerned, directing respondents to pay the petitioner as part-time Lecturer in Government Aided 5th and 6th Respondent Colleges salaries for the period from 1994 till her date of retirement in May 2014 half of the salaries payable to regular Lecturers with increments, Dearness Allowances and other permissible benefits



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as per para-12 of U.G.C. Notification 1998 regarding revision of pay of part-time college Lecturers.

For Petitioner : Mr.V.Kalyanasundaram
Senior Advocate
For Mr.V.Srinivasan

For Respondent
[For R1 to R3]: Mr.M.Bindran
Additional Government Pleader

[For R4] : Mr.B.Vishnuchelliya
For M/s.Ajmal Associates

[For R5 & R6] : No appearance

ORDER

The Government Order issued in G.O.Ms.No.434 (Higher Education) Department dated 24.10.2000 is sought to be quashed in the present writ petition.

2. The grievances of the writ petitioner is that the salary as applicable to the part-time Lecturers in Government Colleges are not extended to the part-time Lecturers working in Private Colleges.

3. The learned Senior counsel appearing on behalf of the writ petitioner mainly contended that the part-time Lecturers working in Private Colleges are also performing the similar duties and responsibilities and therefore, there is no reason whatsoever for discriminating the part-time Lecturers working in Private Colleges.

4. The learned Additional Government Pleader appearing on behalf of the Department made a submission that the Government issued orders, fixing salary to the part-time Lecturers working only in Government Law Colleges and the petitioner was admittedly working in Aided Private College and the Management Committee of the Aided College is the Appointing Authority for fixation of pay for part-time Lecturers. Further, the 5th and 6th respondent are the Minority institutions and therefore, the Management is empowered to appoint part-time Lecturers and fix the salary.

5. This Court is of the considered opinion that the petitioner was working as a part-time Lecturer in a Minority Aided institution. The disputed facts cannot be adjudicated in a writ proceedings by this Court as it involves adjudication of



issues with reference to documents and evidences. That apart, the Director of Collegiate Education has clarified that the Government order would be applicable to the part-time Lecturers working in Government Law Colleges and admittedly, the petitioner was working in a Minority Aided College and therefore, the Government order cannot be directly applied to the part-time Lecturers working in the Minority Aided Institutions.

6. The learned Senior counsel made a submission that when certain benefits are extended to the part-time Lecturers working in Government Colleges in order to maintain uniformity, the Government ought to have extended the said benefit to the part-time Lecturers working in Aided Institutions also. However, this require an adjudication and a decision to be taken by the Government as it involves financial implications.

7. Under these circumstances, the petitioner is at liberty to approach the competent authority under the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976, for adjudication of issues and to redress her grievances in the manner known to law.

8. With this liberty, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Collegiate Education,
Fort St.George,
Chennai - 600 009.

2.The Director of Collegiate Education,
College Road, Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Perumalpuram, Thirunelveli.

+1 cc to Government Pleader Sr.NO. 34871
+1 cc to Mr.V.Srinivasan, Advocate Sr.NO. 34984

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