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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.NO.34041 OF 2017

S.Kaliyamoorthy

...Petitioner

Vs

1.The Director of Collegiate Education,
Directorate of College Education,
D.P.I. Campus, College Road,
Chennai - 600 006.

2.The Joint Director of College Education,
Tiruchy Region, Tiruchy District.

3.The Principal,
Government Arts College,
Veppanthattai, Perambalur District.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider the Petitioner's representation dated 10.11.2017 and appoint the Petitioner as guest lecturer in Government Arts College, Veppanthattai, Perambalur District.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader

O R D E R

Heard Mr. R.Sankarasubbu, Learned Counsel for the Petitioner, Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner in this Writ Petition had made a representation dated 10.11.2017 to appoint him as guest lecturer in Government Arts College, Veppanthattai, Perambalur District and has filed this Writ Petition to direct the Respondents to pass orders on the same.



3. At this juncture, reference must be made to the decision of the Division Bench of this Court in M.Saravanakumar -vs- Secretary to Government, Education Department, Chennai [(2005) 3 MLJ 538], where it has been observed as follows:-

"28. It may be noted that Guest Lecturers are appointed by the Principals of the Colleges. There is no guarantee that such an appointee is competent. The Principal may have various considerations for making such an appointment, not necessarily merit. Suppose one of such appointees is wholly incompetent and undeserving. Why can he not be replaced by a bright and deserving candidate? After all we have to see the matter from the point of view of the students. An incompetent teacher may adversely affect the future career of the students, while a bright teacher can greatly uplift it. Hence, in our opinion, if a deserving and competent candidate is available then he can certainly be appointed as Guest Lecturer in the place of another Guest Lecturer, who is incompetent and undeserving.

....

32. It is also not in the interest of the students or the public to appoint Guest Lecturers on a large scale, because teachers who are given such appointments of Guest Lecturers year after year since the year 2000. This is demeaning to the Lecturers who are treated almost like casual or daily wage employees, and are given remuneration on an hourly basis and that too without even giving them any formal appointment order. What interest in their work will such teachers take, and what commitment will they have? There is no security of tenure for such teachers. Also, they are paid a paltry sum upto a maximum of Rs.4,000/- per month. Is this the way to treat the Gurus of our youth? Even a peon in government service often gets more than Rs.4,000/- per month. Should out teachers be treated worse than peons?

33. We fail to understand why for the past 5 years no regular recruitment has been made through the Teachers Recruitment Board, and instead this policy of appointing Guest Lecturers has been continued year after year. The teachers are the Gurus of society, and they must be given proper respect, proper status, and a secure job, so that they can function with a free mind and take interest in their work. This policy of making appointments of Guest Lecturers is not conducive to this end, and must now be revoked."

After rejecting the claims for such appointments, it has been held as follows:-



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37. We therefore direct that after 31.03.2006 all appointments of lecturers, and other teaching posts, including Principals, in Government Colleges in Tamil Nadu shall be made on a regular basis by selection through the Teachers Recruitment Board or any other legally constituted selection body and not by appointing Guest Lecturers. Such regularly selected teachers will be paid the U.G.C. Grade salaries and guaranteed security of tenure. They shall also be given all benefits and perquisites allowable to regularly selected teachers. No Guest Lecturers or adhoc Lecturers will be appointed or continued after 31.03.2006.

38. The process for making regular appointments on all such vacancies which have not been filled in by regular selection must immediately begin, and must be completed within a reasonable time, so that on and after 01.04.2006 all the incumbents in the State will be regularly selected Lecturers and not Guest Lecturers or adhoc Lecturers. We are giving adequate time to the State Government to switch over from the system of appointing Guest Lecturers to the system of appointing regular Lecturers, etc. During this period of 8 or 9 months the Government must complete the exercise of making selections through the Teachers Recruitment Board or other legally constituted selection body. The selection body must ensure that the most meritorious persons are selected as teachers so that the youth of Tamil Nadu may be benefited."

4. In view of the aforesaid legal position, it is not possible to countenance the claim made by the Petitioner for appointment as guest lecturer in the College of the Third Respondent. It is made clear that the Petitioner, if he is otherwise eligible, shall not be precluded from applying for any regular post in accordance with law.

In fine, the Writ Petition is dismissed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

skr



To

1.The Director of Collegiate Education,
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2.The Joint Director of College Education,
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Tiruchy District.

3.The Principal,
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Veppenthattai,
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+lcc to the Government Pleader Sr.No.34516

W.P.No.34041 of 2017

GJ(CO)
RVM(15/06/2022)