



W.P. No. 19616 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

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

W.P. No. 19616 of 2017

and

W.M.P. No. 21177 of 2017

1. N.Marudachalam
2. T.Nagarajan
3. M.Mytheensha
4. T.Anandan
5. S.Durgadevi
6. C.Thangaraju
7. A.Jayaprakash
8. M.Neelakandan

... Petitioners

-VS-

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Higher Education Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner,
Directorate of Technical Education,
Sardar Patel Road,
Guindy, Chennai – 600 025.



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3. Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.
4. Government College of Technology,
Represented by its Principal,
Thadagam Road,
Coimbatore District – 640 113.
5. Government Polytechnic College,
Represented by its Principal,
Civil Aerodrome Post,
Coimbatore District – 641 014.
6. Government Polytechnic College,
Represented by its Principal,
(Purusawalkam), Namalvarpet,
Chennai – 600012.
7. Dr. Dharmambal Government Women Polytechnic College,
Represented by its Principal,
Tharamani,
Chennai – 600 113.
8. Government Polytechnic College,
Represented by its Principal,
Thuvakudimalai,
Trichy District – 620 022.
9. Government Polytechnic College,
Represented by its Principal,
Caisuhalli,
Dharmapuri District – 635 205.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to make a provision in the existing Tamil Nadu Education Service Rules providing for promotion of the non teaching staff with BE and ME degree working in Government Engineering and Polytechnic Colleges as



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lecturers in Government Engineering and Polytechnic Colleges or in the alternative to pass a GO enabling the Director of Technical Education to reserve a percentage of Lecturer posts in Government Engineering and Polytechnic Colleges for non teaching staff with BE and ME degree working in Government Engineering and Polytechnic Colleges.

For Petitioners : Mrs. Nalini Chidambaram
Senior Counsel
For Mrs. C.Uma

For Respondents : Mr. P.Balathandayutham
Special Government Pleader
(for R1 and R2)

Mr. C.Kathiravan
Special Government Pleader (for R3)

No appearance (for R4 to R9)

ORDER

Heard Mrs. Nalini Chidambaram, Learned Senior Counsel appearing for the Petitioners and Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. C.Kathiravan, Learned Special Government Pleader appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioners, who are non-teaching staff in Government Polytechnic Colleges, have made a claim that they should be absorbed in teaching posts in Government Colleges relying on certain Government Orders granting promotion to non-teaching staff of Anna University for such benefits.

3. The Respondents have resisted the Writ Petition by pointing out that the sanctioned post of teaching staff could be filled up only with persons who hold the required qualification after competing with the other eligible candidates by following the prescribed procedure and that the Petitioners cannot claim any preferential right to be straightaway appointed to teaching posts merely because they are working in non-teaching posts in the Government Polytechnic Colleges. It has also been explained that any decision that had been taken by Anna University, which is an autonomous body, to appoint its non-teaching staff in teaching posts cannot bind the Government of Tamil Nadu which has to follow the recruitment rules for making appointment in its service. That apart, it is highlighted that promotional avenues for non-teaching posts are available to the Petitioners, if they are eligible and they could derive those benefits on satisfaction of the conditions mentioned for the same.



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4. There is substantial force in the aforesaid contentions of the Respondents, which deserves acceptance. Having regard to the nature of relief claimed by the Petitioners, it must be recapitulated here that any appointment in public service would have to conform to the rule of equality of opportunity to all eligible citizens guaranteed under Articles 14 and 16 of the Constitution of India. This would obviously mean that the claim made by the Petitioners for appointment in teaching posts without following the procedure prescribed for selection cannot be countenanced. At the same time, it is made clear that the Petitioners, if they are otherwise eligible, are not precluded from participating in any fresh selection for teaching and non-teaching posts in accordance with law.

In fine, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous petition is closed. No costs.

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Index: Yes/No

Note: Issue order copy by 22.07.2022.



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To

WEB COPY

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P.D. AUDIKESAVALU, J.

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