



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.24856 of 2019

and

W.M.P. (MD) No.21484 of 2019

WEB COPY

P.Krishnaveni

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary
Department of Higher 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
Madurai Region, Madurai-625 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the 1st and 2nd respondents to consider the petitioner (Bursar, Government Arts College, Melur, Madurai District) for appointment to the post of Assistant Professor in any one of the existing vacancies in the Government Arts and Science Colleges in the State on the basis of the petitioner's representation dated 18.12.2017.

For Petitioner : Mr.K.Ragatheesh Kumar
M/s.Isaac Chambers

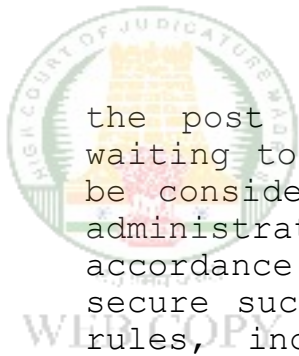
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 and 2 to consider the petitioner (Bursar, Government Arts College, Melur, Madurai District) for appointment to the post of Assistant Professor in any one of the existing vacancies in the Government Arts and Science Colleges in the State, on the basis of her representation dated 18.12.2017

2. The petitioner states that she possesses all requisite educational qualification for appointment to the post of Assistant Professor. As per the Rules in force, Bursars are also eligible for appointment to the teaching post by way of transfer of service. However, the case of the petitioner has not been considered. Thus, the petitioner is constrained to move this writ petition.

3. This Court is of the considered opinion that merely by filing a writ petition, the petitioner cannot claim appointment to



the post of teaching post. The eligible Bursars, who all are waiting to secure such appointment based on the Rules, are also to be considered along with the petitioner. At the outset, if any administrative decision is taken to fill up the teaching post in accordance with the Rules, eligible Bursars, who all are waiting to secure such appointment, must be considered in accordance with the rules, including seniority, and by following the procedures as contemplated. This being the procedure to be followed, the case of the petitioner is to be considered along with the other eligible candidates, whenever an administrative decision is taken to fill up the teaching post in accordance with the Rules.

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

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

krk

To:

1.The Secretary,
Department of Higher Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.

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

3.The Joint Director of Collegiate Education,
Madurai Region, Madurai-625 002.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-22606[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23224[F] dated 02/05/2022)

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28.04.2022

KMV(CO)
KB(13.05.2022) 2P 6C