



W.P.No.10713 of 2016

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.10713 of 2016

and

W.M.P.No.9366 of 2016

V.Vennila

... Petitioner

Vs.

1.The Director,
All India Council for Technical Education,
New Delhi.

2.The Director,
Directorate of Technical Education,
Guindy, Chennai - 600 025.

3.The Secretary,
Sriram Educational Trust,
No.49, Anna Salai,
Chennai - 600 002.

4.The Principal,
Sriram Polytechnic College,
Perumalpattu,
Thiruvallur District - 602 024.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Office Order passed by the third respondent dated 31.07.2014 in his Office Order No.3747/SRET/2014 and dated 19.09.2014 in his Office Letter No.3964/SRET/2014 quash the same and to direct the respondents to take the petitioner by reinstating as Senior Lecturer and pay the salary from 01.09.2014 and other benefits.

For Petitioner	: Mr.A.S.Mujibur Rahman
For Respondents	:
For R1	: Mr.B.Rabu Manohar Standing Counsel
For R2	: Mr.M.Shahjahan Special Government Pleader
For R3	: Ms.V.V.Uthra
For R4	: No appearance

ORDER

The petitioner seeks for issuance of a Writ of Certiorarified Mandamus, to quash the impugned office order on the file of the third respondent dated



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31.07.2014 and office order/letter dated 19.09.2014 and to consequently reinstate the petitioner as Senior Lecturer and pay salary from 01.09.2014, together with all benefits.

2. The case of the petitioner is that she joined as Draughtswoman in Civil Engineering Grade-III at Sriram Polytechnic College, Thiruvallangadu. By proceedings dated 28.08.1984, her pay scale was revised and her appointment was also regularized.

3. The further case of the petitioner is that on 19.09.2014, the third respondent issued a proceeding stating that the petitioner was deemed to have been relieved from the College with effect from 01.09.2014 (afternoon). The reason for the said decision was that the petitioner did not possess the prescribed qualification to hold the post of Lecturer as per the All India Council for Technical Education (AICTE) regulations.

4. It is the petitioner's contention that she has been working in the same College right from 1984, firstly as Instructor and thereafter as Associate Lecturer and subsequently as Senior Lecturer.



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5. The grievance of the petitioner is that the third respondent cannot give retrospective effect to the AICTE regulations and even according to the bylaws of the third respondent Trust, the petitioner is entitled to work till the age of 58 years. Alleging all these irregularities, the petitioner has approached this Court.

6. The first respondent has filed a counter affidavit stating that there is a Grievance Redressal Committee (GRC) for all faculties/staff members and if at all, the petitioner has any grievance, she should approach only the said Grievance Redressal Committee (GRC) and that in the event of not being satisfied with the decision of the said Committee, an appeal is also provided. The first respondent therefore prays for dismissal of the writ petition.

7. The third respondent has filed a counter affidavit along with a typed set of papers.

8. The contention of the third respondent is that the writ petition itself is not maintainable as the third and fourth respondents are not instrumentalities of state falling under Article 12 of the Constitution of India. They would further



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contended that the petitioner has already attained the age of superannuation and there is no question of reappointing the petitioner at this length of time.

9. Insofar as the AICTE regulations, the third respondent would contend that the petitioner was given sufficient opportunity to acquire the requisite qualification. However, the petitioner has not taken any steps to pursue the degree course, entitling her to hold the post of Lecturer as per the AICTE norms. The third and fourth respondents therefore pray for dismissal of the writ petition.

10. Heard the learned counsel for the petitioner, the learned Standing Counsel for the first respondent, the learned Special Government Pleader for the second respondent and the learned counsel for the third respondent.

11. At the outset, this Court finds that the third and fourth respondents are not instrumentalities of State. Though the learned counsel for the petitioner would make a feeble attempt to state that the said College is an aided institution, there is nothing on record to substantiate the same.



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12. It is seen that the third respondent Trust is running the College under the name of Sriram Polytechnic College. It is the categorical case of the third and fourth respondents in the counter affidavit that being a Trust, they are not instrumentalities of State under Article 12 of the Constitution of India insofar as the internal matters concerning service conditions of the staffs both teaching and non-teaching. Insofar as the functions like admission of students, day to day running of the College, they are not a creation under the statute.

13. Clearly, in such view of the said position, the petitioner is not justified in approaching this Court under Article 226 of the Constitution of India, complaining of violation of her fundamental rights. Even otherwise, in the impugned order dated 31.07.2014, the petitioner has been clearly informed that though she was given sufficient opportunity to acquire the prescribed qualification, at the time of issuing orders for appointment of VI Pay Commission salary, the petitioner has not taken any steps in this regard.



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14. This specific stand of the third respondent prior to the filing of the writ petition is not even denied in the affidavit filed in support of the writ petition. Moreover, the termination was given with effect from 02.10.2014. However, the petitioner has chosen to approach this Court only February 2016 with inordinate delay.

15. For all these reasons, the Writ Petition is liable to be dismissed.

16. However, it is pointed out by the learned counsel for the petitioner that the petitioner's service benefits have not been paid and that suitable direction may be issued to the third and fourth respondents to settle the same.

17. According to the third respondent, apart from gratuity, all other benefits have already been settled to the petitioner. The third and fourth respondents shall ensure that all service benefits due and payable are fully settled to the petitioner and if there are any arrears, the same shall be paid to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. Insofar as the gratuity is concerned, it is open for the petitioner to make appropriate application to entitle herself for the payment due to her.



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Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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