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W.P.No.1900 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 31.01.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1900 of 2023
and
W.M.P.No.2002 of 2023

G.Indira

... Petitioner

Vs.

The Director,
Directorate of Collegiate Education,
Chennai - 15.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus directing the respondent to consider the candidature of the petitioner to the post of Guest Lecturer in Economics at the Government Arts and Science Colleges on a temporary basis - 2022 taking into account the experience certificate issued by Kadhir Mohideen College within a reasonable time as fixed by this Court by considering the petitioner's representation dated 11.01.2023.



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For Petitioner : Mr.R.Kannan

For Respondent : Mr.Indhumathi
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent to consider the candidature of the petitioner to the post of Guest Lecturer in Economics in the Government Arts and Science Colleges by considering the representation made by the petitioner dated 11.01.2023.

2. The case of the petitioner is that the respondent had issued a Notification dated 15.12.2022 calling for applications for the post of Guest Lecturer on a temporary basis to be engaged in Government colleges. The petitioner also applied and she secured 289th rank.

3.The petitioner was not called for certificate verification and the petitioner was not aware as to the stage of the selection. That apart,



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the petitioner also wanted the Experience Certificate that was issued by the College to be taken into consideration while the selection process is undertaken. A representation was made in this regard on 11.01.2023. Since there was no response, the present Writ Petition has been filed seeking for appropriate directions.

4. When the matter came up for admission on 27.01.2023, this Court directed the learned Government Advocate to take instructions and report before this Court. Accordingly, the learned Government Advocate produced the written instructions received from the respondent. For the sake of clarity, the written instructions as received from the respondent is extracted hereunder:

"I submit to state that the Government in their order GO. (Ms) No.248, Higher Education (G1) Department, Dated 08.11.2022 have ordered that 4000 posts of Assistant Professors would be filled through Teachers Recruitment Board following the method of competitive written examination. However, the process of recruitment will take time. Hence, in the welfare of the student community Government have decided to engage Guest lecturers. Accordingly, Government have sanctioned a total No. of 1895



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Guest Lecturers posts vide the impugned Government order.

In the said order, the Government have formulated certain guidelines and one such guideline is with respect to giving preference to candidates who possess teaching experience in Government Colleges. In this connection, I submit to state that the Government have resorted to the engagement of Guest Lecturers only as a stop gap arrangement till such time the regular Assistant Professors are recruited through Teachers Recruitment Board. The Guest Lecturers will be paid Rs 20,000/- per month as consolidated pay.

I further submit to state that the Government wanted to ensure that the quality candidates are appointed as Guest Lecturers and hence has given the priority such as Ph.D., with JRF and NET. I further submit that the candidates applied for the Guest Lecturers post through online have come to almost 5 times the vacancy, totaling to around 9200. Since, the process of interview through the committee would take pretty long time and the academic year is also a drawing to a close, it has



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been decided to recruit the Guest Lecturers with UGC Qualifications and also based on the priorities posted in the website like Ph.D., with JRF and NET.

I further submit that the petitioner is relying upon the clause (6) of the G.O with regard to teaching experience In this connection, I submit that when the merit and the qualifications are same and there is a tie, teaching experience would be given preference I also submit that applications have been properly called for through online mode, certificate verifications have been carried out by the Regional Joint Directors for the selected candidates and then only appointment orders have been issued by the Regional Joint Directors.

It is pertinent to point out here that the entire process of selection has been done in a free, fair and transparent manner. The selection list has been immediately posted in the website and no complaint has been received stating any malpractice. Even the petitioner have not cited any such incident. The qualifications prescribed by the UGC have been strictly adhered to, in view of maintaining quality teaching.

It is respectfully submitted that through this transparent method, so far 1320 Guest Lecturers



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have been selected and many of them have joined in the colleges. For the remaining vacancies the second phase of selection will be done within a week's time. If the process is changed as prayed for by the petitioner it may amount to encouraging appointment to the post of Guest Lecturers by back door entry."

The Written instructions was also accompanied by the relevant Government Order in G.O.(Ms) No.269, dated 25.11.2022.

5. In the considered view of this Court, the first phase of selection is over and 1320 Guest Lecturers have already been selected and many of them appointed in the Colleges. The remaining vacancies are going to be filled up by conducting the second phase of selection, shortly. The petitioner has already made her application and has submitted all the relevant documents. Insofar as the request made by the petitioner to consider her teaching experience, it is made clear that the teaching experience will come into play where the merit and the qualifications of the respective candidates are the same and in which case, teaching experience will be given preference. In the light of the clarity that has been given by the respondent, it is left open to the respondent to proceed with the second phase of selection and the petitioner, whose



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name is already found in the list, he can always participate in the selection and it will be considered in line with G.O.(Ms) No.269, dated 25.11.2022.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

31.01.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
mps

To

The Director,
Directorate of Collegiate Education,
Chennai - 15.



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N. ANAND VENKATESH, J,

mps

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and
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