



WEB COPY



W.P. No. 17904 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17904 of 2010
and
W.M.P.No.37862 of 2018

P.Velmurugan

... Petitioner

Vs.

- 1.All India Council for Technical Education,
Represented by its Regional Officer
Southern Regional Office
Shastri Bhavan
No.23, Haddows Road,
Nungambakkam,
Chennai-600 006.
- 2.State of Tamil Nadu,
Rep. By its Secretary,
Department of Higher Education,
Fort St.George, Chennai- 600 009.
- 3.The Secretary,
Department of Personal and Administration Reforms,
Fort St.George, Chennai-600 009.
- 4.Directorate of Technical Education,
Rep. By its Commissioner,
Guindy, Chennai-600 025.



W.P. No. 17904 of 2010

5.The Secretary,
Department of Information and Puclic Relations,
Fort St.George, Chennai-600 009.

6.The Director,
Department of Information and Public Relations (DIPR),
Fort St.George, Chennai-600 009.

7.MGR Government Film and Television Institute of Tamilnadu,
Rep. By its Principal,
Taramani, Chennai-600 113.

8.The Tamil nadu D.J.Jayalalitha Music and Fine Arts University,
Rep. By its Registrar,
Music College Campus,
Dr.D.G.S.Dinakaran Salai, Chennai 600 028.

(R8 impleaded vide order dated 17.03.2021 made in W.M.P.No.6927 of 2021
in W.P.No.17904 of 2010)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing R-2, R-3, R-5 and R-6
to formulate and implement uniform standard permanent special rules for
recruitment, promotion and pay scales for the teaching staff in the R-7
institute and consequently promote the petitioner as Lecturer with appropriate
pay scale in Television Production Section.

For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.Ameedius
Government Advocate for R2 to R8



W.P. No. 17904 of 2010

ORDER

WEB COPY

This writ petition has been filed seeking writ of mandamus, directing the respondents 2, 3, 5 & 6 to formulate and implement uniform standard permanent special rules for recruitment, promotion and pay scales for the teaching staff in the respondent 7 Institute and sought for a consequential direction to promote the petitioner as Lecturer with appropriate pay scale in Television Production Section.

2. It is contented by the learned counsel for the petitioner that the respondent No.7 Institute, is not following the All India Council for Technical Education (AICTE) norms though, the 7th respondent Institute was recognized by the AICTE and the 7th respondent Institute is under obligation to follow the AICTE norms. It is also contended that the post of Lecturer is no more available in terms of the AICTE notification, on revision of pay scales and associated terms and conditions of service of teachers. He also further contented that as per the information furnished by the office of the Directorate of Technical Education, through letter No.25590/A3/08 dated 28.07.2008, the post of Instructor and Demonstrator were abolished with



effect from 19.08.1989 and the existing staff members were upgraded as Lecturers as and when they acquire the required qualification for the post of Lecturer. In spite of the same, the 7th respondent is continuing the petitioner as Demonstrator, though the said post was abolished, and not promoting and re-designating the petitioner as Lecturer in the Television Production Section. Thus, with the above said grievance, the petitioner approached this Court seeking the relief as noted herein above.

3. The 7th respondent filed counter affidavit stating that the post of lecturer in Television Production and other posts of lecturers in 7th respondent Institute are governed by a Ad-hoc rules framed under Article 309 of the Constitution of India and in terms of the said rules, the post of Demonstrator, in which the petitioner was working, is not included in one of the feeder categories for promotion to the post of lecturer in Television Production and as such the question of considering the case of the petitioner for promotion to the post of lecturer in Television Production and re-designating as such does not arise.



4. From the above, the grievance of the petitioner appears to be that he was appointed as Demonstrator as early as in the year 1998 in 7th respondent Institute and he has been continuing as Demonstrator till date without giving any promotion or upgradation. In those circumstances, the petitioner has approached this Court by filing the present writ petition seeking a direction to the respondent to frame permanent special rules for respondent No.7 Institute contending that the Ad-hoc rules framed under Article 309 cannot be continued after a period of 3 years.

5. Even in case the petitioner is aggrieved by the existing rules governing the post of lecturer in the 7th respondent Institute, either on the ground of the said Ad-hoc rules are in violation of University Grants Commission (UGC) norms and regulations or any other statutory rule, it is for the petitioner to question such rules and seek quashing of the same, and then, this Court would decide the validity of such rule, whether they are constitutional or unconstitutional or otherwise. In the instant case, Ad-hoc rules which governs post of lecturer in the 7th respondent Institute are not challenged. However, a direction is sought to the respondents to formulate



the permanent special rules for recruitment, promotion and pay scales for the teaching staff of the 7th respondent Institute. In the considered view of this Court, this Court does not issue directions to the respondents to frame the rules in any particular manner or in the manner in which the petitioner is seeking a direction to frame the rules. As the petitioner failed to challenge the Ad-hoc rules, that are existing and governing post of Lecturer in 7th respondent Institute, this Court is of the considered view that the petitioner is not entitled for the relief sought for in the present writ petition as prayed for. If the petitioner is being continued as Demonstrator without considering the case of the petitioner for upgradation or re-designating as lecturer in terms of the AICTE notification and UGC regulations, this Court is of the considered view that the petitioner has to approach the 7th respondent seeking for implementation of the UGC norms and AICTE regulations which are stated to be applicable and govern the post of lecturer in 7th respondent Institute. But from the material on record there is nothing to show that the petitioner has made such an attempt on early occasion. It is also brought to the notice of this Court that the 7th respondent institute is not affiliated to the 8th respondent.



WEB COPY

7. According to the learned counsel for the petitioner, the 7th respondent Institute is bound by the UGC regulations and AICTE norms. If that be the case, it is for the petitioner to approach the respondents by submitting the grievance and seek appropriate relief. The Directorate of Technical Education through letter dated 28.07.2008 had stated that the post of Instructor and Demonstrator were abolished with effect from 19.08.1989, and there is no dispute about the same.

8. In the light of the above, this Court is not inclined to grant the relief as sought for in the writ petition. However, this Court is of the considered view that appropriate direction can be issued to the respondents to consider the case of the petitioner for redressal of the grievance.

9. Accordingly, this writ petition is disposed of permitting the petitioner to submit a representation ventilating his grievance within a period of 4 weeks from the date of receipt of a copy of this order before the respondents concerned and in case, if any such representation is submitted by the petitioner within the time stipulated herein above, the same shall be



W.P. No. 17904 of 2010

considered by the respondents as expeditiously as possible, at any rate, within a period of two months from the date of submission of such representation, by duly taking into consideration the observations made by this Court in this order. Consequently, connected miscellaneous petition is closed. No costs.

28.11.2023
(½)

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

- 1.The Regional Officer,
All India Council for Technical Education,
Southern Regional Office
Shastri Bhavan
No.23, Haddows Road,
Nungambakkam,
Chennai-600 006.
- 2.The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai- 600 009.
- 3.The Secretary,
Department of Personal and Administration Reforms,
Fort St.George, Chennai-600 009.



W.P. No. 17904 of 2010

- 4.The Commissioner,
Directorate of Technical Education,
Guindy, Chennai-600 025.
- 5.The Secretary,
Department of Information and Public Relations,
Fort St.George, Chennai-600 009.
- 6.The Director,
Department of Information and Public Relations (DIPR),
Fort St.George, Chennai-600 009.
- 7.The Principal,
MGR Government Film and Television Institute of Tamilnadu,
Taramani, Chennai-600 113.
- 8.The Registrar,
Tamil Nadu Dr.J.Jayalalitha Music and Fine Arts University,
Music College Campus,
Dr.D.G.S.Dinakaran Salai, Chennai 600 028.



WEB COPY



W.P. No. 17904 of 2010

MUMMINENI SUDHEER KUMAR,J.

dpa

W.P.No.17904 of 2010
and
W.M.P.No.37862 of 2018

28.11.2023
($\frac{1}{2}$)