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W.P.Nos.27212 to 27215 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.27212 to 27215 of 2014
M.P.Nos.1 & 2 of 2014 (4 Nos.)

V.S.D.Arularasan	...Petitioner in W.P No.27212 of 2014
K.Vilvanathan	...Petitioner in W.P No.27213 of 2014
R.Vijayakumar	...Petitioner in W.P No.27214 of 2014
B.R.Ravi	...Petitioner in W.P No.27215 of 2014

-Vs-

1. The Additional Chief Secretary to Government,
Tourism, Culture & Religious Endowments Department,
Fort St. George, Chennai – 600 009.
2. The Commissioner,
Directorate of Art and Culture,
Thendral, Greenways Road,
Chennai – 620 028.
3. K.Ramalingam
4. P.Vijayakumar
5. A.Rajenderan



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6. S.Rajenderan

7. Senguttuvan

8. V.Karunanidhi

9. T.Srinivasan

10. K.Puguzhandhi

11. P.Sivaramana Krishnan

... Respondents in all
W.Ps.

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent herein in his proceedings G.O.Ms.No.243 and G.O.Ms.No.244, Tourism, Culture & Religious Endowment (Cull-1) Department dated 25.09.2014 and quash the same and direct the first and second respondents herein to fix and regulate the pay of the petitioner in accordance with orders passed in G.O.Ms.160 Tourism and Culture (Cull-1) Department dated 05.07.2012, within a time-frame as deem fit and proper by this Court.

In W.P.No.27212 of 2014

For Petitioner : Mr.Periabanalthan
For M/s.K.M.Law Firm

For Respondents

For R1 & R2 : Mr.M.Muthusamy
Government Advocate

For R3 & R8 : Mr.P.P.Shanmugasundaram

For R7, R9 to R11 : Mr.J.Saravanavel

For R4 to R6 : No appearance



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In W.P.Nos.27213 to 27215 of 2014

For Petitioner : Mr. G.Bala

For Respondents

For R1 & R2 : Mr.M.Muthusamy
Government Advocate

For R3 & R9 : Mr.P.P.Shanmugasundaram

For R8, R10 to R12 : Mr.J.Saravanel

For R4 to R7 : No appearance

COMMON ORDER

The writ petitions have been filed challenging the order passed by the first respondent in G.O.Ms.No.243 and G.O.Ms.No.244, Tourism, Culture & Religious Endowment (Cull-1) Department dated 25.09.2014, thereby promoted the respondents 3 to 11 to the post of Senior Lecturer.

2. The petitioners were joined in the Government College of Fine Arts and thereafter they were promoted to the post of Lecturer. The petitioners had completed more than 13 years of their services as Lecturer. On 25.05.2010, the Government had passed an order in G.O.Ms.No.111, in which revision of pay and allowances were announced for the teachers working in the Government College of Fine Arts and Government Polytechnics, in consonance with AICTE norms.



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On 05.07.2012, the Government also passed an another order in G.O.Ms.No.160, thereby restructuring the cadres in the Government College of Fine Arts and accordingly the post of Senior Lecturer was abolished and merged with the post of Lecturer.

3. While being so, the first respondent passed the impugned orders in G.O.Ms.Nos. 243 & 244, preparing a panel of Lecturers fit for promotion to the post of Senior Lecturer for the year 2011-12 and on the same day promotion has also passed in favour of the respondents 3 to 11. Aggrieved by the same, the petitioners filed the present writ petitions with the above said prayer.

4. The learned counsel appearing for the petitioners submitted that it is a total violation of settled norms governing the service conditions of the faculties working in the Government College of Fine Arts. The post of Senior Lecturer was disengaged as early as on 05.07.2012. That apart, some of the respondents had no requisite qualification even for the post of Lecturers. Therefore, he prayed to quash the impugned orders in G.O.Ms.Nos. 243 & 244, and allowed the present writ petitions.



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WEB COPY 5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. On perusal of the counter affidavit filed by the second respondent revealed that the petitioners were promoted to the post of Senior Lecturer and their scale of pay had been revised accordingly with effect from 01.01.2006. Therefore, the question of re-fixation of pay scale as sought for by the petitioners do not arise. As per the G.O.Ms.No.160 dated 05.07.2012, the petitioners were promoted to the post of Senior Lecturer. There was no restructuring of cadres as per G.O.Ms.No.160 dated 05.07.2012, but only the nomenclature of the post of “Senior Lecturer” was changed to that of “Lecturer” with no change in pay in the pre-revised as well as revised scale of pay. Therefore, there is no question of abolition of Senior Lecturer Post.

7. Further the petitioners challenged the order of promotion of the respondents 3 to 11 with bald and vague allegations. The respondents 3 to 11 were promoted to the post of “Lecturer” only based on their



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qualification. Therefore, this Court finds no merits in the writ petitions and all the writs petitions are liable to be dismissed

8. Accordingly, all the writ petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

29.08.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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