



WP No.3365 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2023

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

WP No.3365 of 2017

And

W.M.P.No. 3357 of 2017

M.Ramesh

... Petitioner

-Vs-

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Law Department
Fort St. George
Chennai – 600 009.

2. The Director of Legal Studies
Purasawalkam High Road
Chennai – 600 010

3. The Principal
Government Law College,
Coimbatore.

... Respondents



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PRAYER: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from terminating the services of the petitioner in the post of Gues-Lecturer in Government Law College, Coimbatore.

For Petitioner : Mr. A.Edwinprabakar

For 1st Respondent: Mr. U.Baranidharan

ORDER

Writ Petition has been filed in the nature of Mandamus seeking a restraint against the respondents particularly, the third respondent /the Principal, Government Law College at Coimbatore, from terminating the services of the petitioner in the post of Guest- Lecturer in Government Law college at Coimbatore.

2. The petitioner was working only as Guest- Lecturer. Any Guest Lecturer is paid on hourly basis. It is paid for the number of classes he or she takes in a particular day. If he or she takes one class or even two classes



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accordingly on hourly basis or on the per period / class basis the payment would be made. It is not of daily wage and is certainly not on monthly basis. Nor is a Guest Lecturer considered to be on the roll or employment of the college. The petitioner was certainly not on the roll of the employment of the third respondent college. On 13.07.2023, this Court had stated that the petitioner should address his right to continue as a Guest Lecturer whatever be the circumstances.

3. The learned counsel for the petitioner had made the following endorsement:-

“may be permit to withdraw this Petition.”

4. Be that as it may, this Court also wanted to hear the learned Additional Government Pleader on this aspect and the learned Additional Government Pleader stated that the petitioner had not been appointed to any post and his services was used only on hourly basis. It is therefore insisted



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that the petitioner is not entitled for any service rights. When he is not entitled for service rights, there cannot be a Mandamus issued restraining the respondents from not utilising the services of the petitioner herein. It has also been stated that in a specially convened meeting, the principal and the teaching staff of Government Law College at Coimbatore on 12.05.2016 had taken a decision not to utilise the services of the petitioner as Guest Lecturer in the interest of the students. It is stated that thereafter his service had not been utilised as Guest Lecturer.

5. The issue ends there. There cannot be any restraint on the respondents since they have already taken a decision not to utilise service.

6. The Writ Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.07.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

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To

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