



W.A.(MD)No.492 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.492 of 2019

and

C.M.P.(MD)No.4155 of 2019

1.S.Murugan

2.D.Amalraj

... Appellants / 3rd Parties

Vs.

1.G.Angamuthu

2.The State of Tamil Nadu,

Rep. by its Secretary to Government,

Higher Education (G2) Department,

Secretariat, Chennai-600 009.

3.The Joint Director of Collegiate Education,

Madurai Region, Madurai-625 002.

4.The Vivekanda Collge,

Represented by its Secretary,

Tiruvedakam West, Solavanthan Post,

Madurai District.

...Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.12783 of 2017, dated 19.12.2018 on the file of this Court.

For Appellants : Mr.S.Rajasekar,
for M/s.T.Lajapathi Roy Associates
For R1 : Mr.C.Venkatesh Kumar
For R2 & R3 : Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

It is brought to our notice that in respect of the order under challenge in the present Writ Appeal, dated 19.12.2018 passed in W.P.(MD)No.12783 of 2017, the State preferred Writ Appeals in W.A.(MD)Nos.114 and 9 of 2020. The Division Bench of this Court passed the following orders:-

“5.We find force in the submissions made by the learned counsel appearing for the respondents. As per G.O.Ms.No.11, Education Department, dated 04.01.1989, the recruitment by transfer can be made from the post of Lab Assistant to the post of Junior Assistant. Though it has been misconstrued as that of promotion from the post of Lab Assistant to the post of Junior Assistant, inasmuch as there is no loss of revenue to the appellants, such recruitment by transfer cannot be objected to, after all, both the posts are drawing the same scale of pay, which certainly benefits the



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persons, who moved from the post of Lab Assistant to the post of Junior Assistant.

6.Right to be considered for promotion cannot be denied, though it is not a vested right. The proceedings relied upon by the appellants are meant for Specific Service Rules namely, the Tamil Nadu Private Colleges (Regulation) Act, 1976 and therefore, it cannot be applied in the case on hand. Even otherwise, as observed by us, the facts would clearly establish that no prejudice is caused. To put it differently, the Management can very well fill the post of Junior Assistant. If the post is filled otherwise, the appellants would have given sanction/permission. Admittedly, the posts are also vacant. Therefore, looking from any perspective, we do not find any reason to interfere with the order of the learned Single Judge. Accordingly, these Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.”

2.In view of the orders passed by the Division Bench of this Court cited supra, no further adjudication needs to be undertaken and accordingly, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)
09.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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AND

V.LAKSHMINARAYANAN, J.

Yuva

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Higher Education (G2) Department,
Secretariat, Chennai-600 009.
- 2.The Joint Director of Collegiate Education,
Madurai Region, Madurai-625 002.

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