



WP.No.12909 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.12909 of 2012
and
MP.Nos.2 and 3 of 2012

Collegiate Education Staff Welfare Association,
Rep. by its President K.Jayabalan
Coimbatore Region,
Coimbatore.

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by Secretary, Higher Education Department,
Chennai-9.
2. Director of Collegiate Education,
Chennai-6.
3. Secretary,
Tamil Nadu Public Service Commission,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the G.O.Ms.No.364 dated 08.09.2008 issued by the 1st respondent and the consequential notification No.10/12 dated 02.04.2012 issued by the 3rd respondent quash the same and direct the 1st respondent to fill up the posts of bursars as per the G.O.Ms.No.202 dated 31.01.1983.



WP.No.12909 of 2012

For Petitioner : Ms.S.Nadhini Devi
for Mr.R.Subramanian

For Respondents : Mr.C.Jayaprakash
Government Advocate (Education)
for R1 & R2

ORDER

The instant writ petition has been filed by challenging the Government Order in G.O.Ms.No.364 dated 08.09.2008 and the consequential Notification No.10/12 dated 2.04.2012 issued by the 3rd respondent.

2. The brief facts which give rise to the instant writ petition is that, the Government has created a post of Bursar in Government Colleges in G.O.Ms.No.511 (Educational Department) dated 02.03.1977. According to the above said G.O, it was the promotion post as there was a stagnation in the cadre of Superintendent. However, in the year 2008, the Government has amended the Government Order in G.O.Ms.No.511 (Educational Department) dated 02.03.1977 by incorporating the ratio of 3:1 between promotee and direct recruitment. Such attempt of the Government is under challenge in this writ petition.



WP.No.12909 of 2012

3. The learned counsel for the writ petitioner would submit that the very cadre of Bursar was created based upon the representation of the persons, those who have been working in the Colleges, that too in the cadre of Superintendent. It is the submission of the learned counsel for the petitioner that, after the person reaching the cadre of Superintendent, there is no promotion avenue and there was stagnation. Only to avoid such stagnation, on representation, the Government has created the post of Bursars. Therefore, the main aim in creating this cadre is, to give a promotion to the employees, who are already in service, and nowhere it was intended for any direct recruitment. Therefore, the contention of the learned counsel for the petitioner is that the subsequent deviation providing for direct recruitment is contrary to earlier G.O.Ms.511 dated 02.03.1977. Therefore, the same is to be quashed.

4. Per contra, the learned Government Advocate would vehemently contend that though the direct recruitment was proposed as a mode of recruitment, it was only one person among the 4 persons, and the ratio of 3:1 will be sufficiently address the grievance of the petitioner. It is also the contention of the learned Government Advocate that the post of Bursar involves checking of monetary transactions in the colleges and remittance of



WP.No.12909 of 2012

huge amount collected from the students. Therefore, in view of the nature of the work involved, it was considered that a person with PG degree in the Public Administration or Business Administration with specialization in Finance was required to man to the post of Bursar through direct recruitment. Only with that object, G.O.Ms.No.364, Higher Education Department dated 08.09.2008 was introduced. Therefore, it is the contention of the learned Government Advocate that it is a policy decision of the Government and that unless there is any violation to the fundamental rights of the petitioner, such policy decision cannot be interfered with.

5. I have given my anxious consideration to either side submissions.

6. As rightly contended by the learned Government Advocate, the Government while amending G.O.Ms.No.511 dated 02.03.1977 has considered the interest of the stagnation which prevailed among the staffs of the college and other departments, at the same time, also wants to bring into the fresh blood by way of direct recruitment with PG degree in Public Administration and Business Administration. Therefore, when the Government has consciously taken a decision, this Court, while exercising the power of



WP.No.12909 of 2012

judicial review, cannot interfere with the same. Such policy decision as long as the same is in tune with the constitutional mandate. Therefore, this Court could not find any merit in the present writ petition.

7. In the result, this writ petition stands dismissed. No costs. Consequently, connected MPs are also closed.

08.08.2024

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Index : Yes /No

Speaking order : Yes/No

Neutral Citation : Yes/No

To

1. The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Chennai-9.
2. Director of Collegiate Education,
Chennai-6.
3. Secretary,
Tamil Nadu Public Service Commission,
Chennai.



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WP.No.12909 of 2012

C.KUMARAPPAN, J.

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WP.No.12909 of 2012

08.08.2024