



WEB COPY

W.P.No.4579 of 2021
and W.M.P.No.5205 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4579 of 2021
and W.M.P.No.5205 of 2021

D.K.Baranitharan

...

Petitioner

versus

1. Government of Tamilnadu,
Department of Higher Education,
Represented by its Secretary,
Namakkal Kavignar Maaligai,
Fort St. George,
Chennai - 600 009.

2. The Director,
Collegiate Education,
Department of Higher Education,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai - 600 006.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to extend the benefit of a correspondence bearing Na.Ka.No.15867/D2/2018 2021 dated 12.02.2021 to the petitioner considering his teaching experience and other necessary educational qualifications for regularisation as Assistant Professor in the stream of commerce in Government Arts And Science Colleges waving the fact that presently the petitioner is not working with the Government Arts College.



WEB COPY

W.P.No.4579 of
and W.M.P.No.5205 of



For Petitioner : No Appearance
For Respondents : Mr.K.Surendran
Additional Government Pleader

ORDER

The petitioner has filed petition seeking a writ of mandamus, directing the 2nd respondent to extend the benefit of a Circular dated 12.02.2021 to the petitioner.

2. There is no representation for the petitioner either in-person or through his counsel.

3. Heard Mr.K.Surendran, learned Additional Government Pleader for the respondents and perused the materials available on record.

4. The petitioner has served as a Guest Lecturer in Thiruvannmalai Government Arts College in the Department of Commerce for the period from 2002 to 2011. Notification has been issued by the Teachers Recruitment Board during the year 2019 and the petitioner had applied for the same with all necessary certificates and experience certificates. However, due to covid-19 pandemic, certificate verification



which was supposed to be done by that time by the Teachers Recruitment Board was not done.

WEB COPY

5. In the meanwhile, a Circular dated 12.02.2021 was sent by the 2nd respondent to all the Government Arts and Science Colleges informing them that the Guest Lecturers, who are all currently working with them can appear for certificate verification which was scheduled from 15.02.2021 to 18.02.2021. The impugned circular is discriminatory and in view of the same, the petitioner cannot attend for certificate verification on 18.02.2021. Hence, the petitioner has filed this Writ Petition.

6. Originally, the Teachers Recruitment Board has issued a Notification dated 28.08.2019 inviting applications for direct recruitment from eligible candidates for the post of Assistant Professors in Tamil Nadu Collegiate Educational Service for Government Arts and Science Colleges for the year 2018-19. The petitioner had also applied for the said post. The Circular dated 12.02.2021 does not make any reference about the Notification given by the Teachers Recruitment Board on 28.08.2019. The Notification has been issued only to regularise the Guest Lecturers, who had



Ph.D.,/SET/SLET/NET/CSIR qualification along with 5 years work experience as on 30.09.2019.

7. Mr.K.Surendran, learned Additional Government Pleader for the respondents filed counter and submitted that the Circular states about the Guest Lecturers, who are working in the year 2019 in the Government Arts Colleges alone can be taken into consideration. In para 7 of the counter, it is stated as under:-

“7.Regarding the averments made in para 8, it is submitted that the circular issued by the second respondent clearly states that Guest Lecturer working in 2019 in Government Arts College alone will be taken into consideration. The petitioner here states that he has come out of the college as the vacancy for the post of Assistant Professor has been filled with permanent appointment. It is obvious that as per the Tamil Nadu Government guidelines prescribed for Guest Lecturer has to be ousted from his / her temporary services immediately on the appointment of regular teachers / any vacancy to be filled-up through transfers or last working day of that academic year of the college. Hence, it was quite natural that since regular Assistant Professors were posted, the Guest Lecturer, the petitioner has been ousted from his



WEB COPY



services. However he has wound up his services as Guest Lecturer in 2011 itself.”

8. The Circular dated 12.02.2021 has been wrongly construed by the 2nd respondent and that has caused the petitioner to file this Writ Petition. The Circular does not say that only those persons who are working as Guest Lecturers in the year 2019 alone are eligible for certificate verification. The Circular only says that those Guest Lecturers, who are having 5 years work experience along with special qualifications like Ph.D./SET/SLET/NET/CSIR dated 30.09.2019 are eligible for certification verification. The petitioner has got 8 years of teaching work experience as a Guest Lecturer and he has also Ph.D. qualification.

9. Hence, the respondents shall send a call letter to the petitioner immediately for certificate verification within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to pass orders with regard to the regularisation of the petitioner's services in the cadre of Assistant Professor within a period of four (4) weeks thereafter.



10. With the above directions, this Writ Petition is **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

22.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

WEB COPY

- 1.The Government of Tamilnadu,
Department of Higher Education,
Represented by its Secretary,
Namakkal Kavignar Maaligai,
Fort St. George,
Chennai - 600 009.
- 2.The Director,
Collegiate Education,
Department of Higher Education,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai - 600 006.



WEB COPY

W.P.No.4579 of 2021
and W.M.P.No.5205 of 2021



R.N.MANJULA, J.

sri

W.P.No.4579 of 2021
and W.M.P.No.5205 of 2021

22.03.2024