



WEB COPY



W.A.No.1042 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.1042 of 2024

E. Latha Mercy
W/o.Late E.Sudhakar Muthukumar
Professor of Electrical and Electronics Engineering
Government College of Technology
Coimbatore – 641 013

Appellant

v

1. The State of Tamil Nadu
Principal Secretary
Department of Higher Education
Fort St.George
Chennai – 600 009
2. The Commissioner
Office of the Directorate of Technical Education
Chennai – 600 025
3. The Secretary
AICTE
New Delhi

Respondents

(R3 given up by the learned counsel for the
appellant *vide* endorsement made in the writ
appeal on 25.03.2024)



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Writ Appeal filed under Clause 15 of the Letters Patent seeking to set

aside the order dated 24.01.2024 passed in W.P.No.1480 of 2024.

For appellant Mr.G.Sankaran, Senior Counsel
for Mrs.S.Kanimozhi

For RR 1 & 2 Mrs.S.Anitha
Special Government Pleader

JUDGMENT

[delivered by R.MAHADEVAN, J.]

The correctness of the order dated 24.01.2024 passed by a learned Judge in W.P. No.1480 of 2024 is questioned in this writ appeal.

2 Minus the minute details, the facts which are relevant and necessary for deciding this writ appeal are capsuled below:

2.1 According to the appellant, she was appointed as Lecturer on contract basis by the second respondent, viz., Directorate of Technical Education, in November 1988 and her service was regularised by the second respondent in 1997 and presently, she is working as Professor in the



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Electrical and Electronics Engineering Department, Government College of
Technology, Coimbatore.

2.2 Her grievance is that she had acquired M.E. degree in 1999 itself and yet, she was placed below her juniors in the list of eligible candidates for promotion to the post of Associate Professor prepared in the year 2006, as a consequence of which, though she was eligible for promotion to the post of Associate Professor way back in 2004 itself, she was promoted as such only in 2018, and as Professor in 2023; owing to the belated award of promotion to her, her name has not been included in the panel for the post of Principal for the period 2023-2024.

2.3 Hence, seeking inclusion of her name in the panel of Professors fit for promotion as Principal for the year 2023-2024, she had addressed a representation dated 31.08.2023 and finding no response, she had filed a writ petition being W.P. No.1480 of 2024.



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2.4 In the said writ petition, a learned Judge, *vide* order dated 24.01.2014, by placing reliance on the amendment to the Special Rules for the Tamil Nadu Educational Service in the Higher Education Department *vide* G.O.Ms.No.77, Higher Education (B1) Department dated 20.04.2017, and observing, *inter alia*, that the appellant has not completed three years of service as Professor, which is a *sine qua non* for promotion to the post of Principal, held that the appellant's representation dated 31.08.2023 cannot be directed to be considered by the respondents. Thereagainst, this writ appeal has been preferred.

3 Mr. G. Sankaran, learned Senior Counsel appearing for the appellant submitted that even going by the amendment made to the Special Rules for the Tamil Nadu Educational Service, which has been extracted in the order impugned in paragraph no.3, though the appellant has not worked in the post of Professor for a period of three years, there is an alternative qualification, as per which, she should have minimum of 13 years of experience in teaching and/or research and / or industry, which condition, she has fulfilled, inasmuch as, since her regularisation in 1997, she has



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completed 25 years of service in teaching. However, this aspect has been lost sight of, by the learned Judge. Therefore, the learned senior counsel sought to allow this appeal by setting aside the order passed by the learned Judge in the writ petition.

4 We have heard Mrs.S.Anitha, learned Special Government Pleader appearing for the respondents 1 and 2, who fairly submitted that the respondent authorities will consider the representation of the appellant in the light of the relevant rules and pass appropriate orders, within a time frame to be stipulated by this court.

5 In view of the submissions so made by the learned counsel on either side and also considering the facts and circumstances of the case, the impugned order dated 24.01.2014 stands set aside and the respondents are directed to consider the appellant's representation dated 31.08.2023 and pass orders purely on merits and in accordance with law, more particularly, in the light of the relevant rules and amendments made thereto, within a period of eight weeks from the date of receipt of a copy of this judgment.



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6 With the above direction, this writ appeal stands disposed of,
sans costs.

[R.M.D., J.] [M.S.Q., J.]
28.03.2024

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
nsd/cad

To

- 1 The Principal Secretary
Department of Higher Education
Government of Tamil Nadu
Fort St.George
Chennai – 600 009
2. The Commissioner
Office of the Directorate of Technical Education
Chennai – 600 025



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