



W.P.No.18253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18253 of 2023 and
WMP.Nos.17458 & 17459 of 2023

- 1.V.Thangaraj
- 2.E.D.Ananda Kumar
- 3.M.Ponnambalam
- 4.T.Kanniyappan
- 5.D.Jhansi
- 6.R.U.Mullai
- 7.S.Priya
- 8.P.Hariharasudhan
- 9.R.Sureshkumar
- 10.R.Janaki
- 11.M.Govindasamy
- 12.K.Utharaja
- 13.R.Radhiga
- 14.N.Sundaramoorthy
- 15.P.Ilavarasan
- 16.G.Selladurai
- 17.S.Adhikesavan
- 18.S.Arumugam
- 19.P.Sivakamasundari
- 20.K.Anitha
- 21.S.Ganesa Kumar
- 22.T.Sivaraman
- 23.K.Nithyadevi
- 24.L.Anitha
- 25.K.Alagarsamy



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26.P.Sethuraman
27.J.Suresh
28.S.Karthik
29.N.Jeevarathinam
30.E.Vakees

... Petitioners

Vs.

1.The Principal Secretary to Government,
Higher Education Department,,
Government of Tamilnadu,
Secretariat,
Chennai 600 009
2.The Director,
The Director of Collegiate Education,
EVK Sampath Maaligai,
DPI Campus, Nungambakkam,
Chennai 600 006
3.The Chairman,
Teachers Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Campus, Nungambakkam,
Chennai 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records pertaining to the impugned orders dated 08.11.2022 in G.O.Ms. No.247 and GO.Ms.No.248 on the file of the respondent No.1 and quash the same as illegal and consequently to direct the Respondents to regularise the petitioners/Guest Lecturers working in Government Arts and Science Colleges as initiated vide GO.Ms.No.56, Higher Education (F2) Department dated 21.03.2020 within the time stipulated by this Court.



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For Petitioner : Mr.S.Louis

For Respondents

For R1 & 2 : Mr.R.Neethiperumal,
Government Advocate

For R3 : Mr.C.Kathiravan,
Standing Counsel

ORDER

This writ petition has been filed challenging the orders passed in G.O.Ms. No.247 and GO.Ms.No.248 on the file of the respondent No.1.

2. This court already dealt with the same issue in a batch of writ petitions in WP.No1971 of 2023, etc. batch and passed order on 02.04.2024 quashing the order in GO.Ms.No.248 Higher Education (F2) Department dated 08.11.2022. The relevant portion of the said order is extracted hereunder:

6. In this regard, the learned Senior Counsel Mr.G.Sankaran relied upon the judgment of the Hon'ble Supreme Court of India in the case of *State of Bihar and Others Vs.*



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Mithilesh Kumar reported in (2010) 13 SCC 467, wherein it is held as follows:

15. Reference was also made by learned counsel to the decision of this Court in *N.T. Devin Katti vs. Karnataka Public Service Commission & Ors.* [(1990) 3 SCC 157], wherein it was reiterated that where selection process was initiated by issuing advertisement inviting applications, selection normally should be regulated by the Rules and orders then prevailing. It was also emphasized that service jurisprudence provides that normally amendments effected during the pendency of a selection process operate prospectively, unless indicated to the contrary by express language or by necessary implication.

16. Learned counsel lastly referred to the decision of this Court in *Secretary, A.P. Pubic Service Commission vs. B. Swapna & Ors.* [(2005) 4 SCC 154], wherein while considering the norms for recruitment/selection for filling up vacancies which had been initially advertised, this Court was of the view that such norms of selection cannot be altered after commencement of the selection process and Rules prescribing qualification, which were amended during the continuation of the selection process, have prospective operation unless something to the contrary is indicated expressly or by necessary implication.

7. Thus it is clear that the norms of selection cannot be altered after commencement of selection process and Rules prescribing qualification, which were amended during the



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continuation of selection process, have prospective operation unless something to the contrary is indicated expressly or by necessary implication.

8. Therefore, the impugned order in GO.Ms.No.248 dated 08.11.2022 granting permission for recruitment of 4000 posts of Assistant Professor including 1146 posts earmarked for regular absorption of Guest Lecturers after undergoing certificate verification as per the order in GO.Ms.No.56 dated 21.03.2020, is arbitrary, illegal and against the law for the reason that in order to fill up the posts by direct recruitment following the new method of selection as envisaged in GO.Ms.No.246 dated 08.11.2022, 1146 vacancies earmarked for absorption of eligible Guest Lecturers cannot be added in the impugned order in GO.Ms.No.248 08.11.2022.

9. In view of the above, the impugned order in GO.Ms.No.248 Higher Education (F2) Department dated 08.11.2022 is quashed insofar as ordered to notify 1146 vacancies which were earmarked for regular absorption of eligible Guest Lecturers as per G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020. The respondents are directed to continue the selection process to fill up 1146 posts of Assistant Professors in accordance with the earlier order passed in G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020 based on the selection process already initiated and



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processed by the proceedings of the second respondent dated 12.02.2021 and complete the same within a period of twelve weeks from the date of receipt of copy of this order.

3. In view of the above, this writ petition also stands allowed. Respondents are directed to continue the selection process to fill up the posts of Assistant Professor in accordance with the earlier order passed in G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020 based on the selection process already initiated and processed by the proceedings of the second respondent dated 12.02.2021, in respect of the petitioners, and complete the same within a period of twelve weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.The Principal Secretary to Government,
Higher Education Department,,
Government of Tamilnadu,
Secretariat,
Chennai 600 009
- 2.The Director,
The Director of Collegiate Education,
EVK Sampath Maaligai,
DPI Campus, Nungambakkam,
Chennai 600 006
- 3.The Chairman,
Teachers Recruitment Board,
4th Floor EVK Sampath Maaligai,
DPI Campus, Nungambakkam,
Chennai 600 006



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G.K.ILANTHIRAIYAN, J.

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