



W.P.No.18677 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.03.2024

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Writ Petition No.18677 of 2021

E.Panchatcharam,
Instructor (Rtd),
Government College of
Architecture and Sculpture,
Mamallapuram - 603 104.
Chengalpattu District.

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Petitioner

-Vs-

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Tourism, Culture and Religious
Endowments Department,
Secretariat, Chennai - 9.

2.The Commissioner of Art and Culture,
O/o.The Directorate of Art and Culture,
Tamil Valarchi Valagam,
Chennai - 8.

3.The Principal,
Government College of Architecture and Sculpture,
Mamallapuram,
Chengalpattu District.

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Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorarified Mandamus, calling for



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the records connected with the impugned rejection order passed by the 2nd respondent in Pro.No.1967/A1/2016, dated 08.04.2021 and quash the same in so far as it denying Instructor promotion to the petitioner from 2012 onwards and consequently direct the respondents to promote the petitioner as Instructor with effect from 2012 onwards as per Rules with all benefits based on the proposal of the 3rd respondent dated 20.07.2011.

For Petitioner : Mr.A.R.Suresh
for Mr.K.Arumugam
For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

Heard Mr.A.R.Suresh, the learned counsel for the petitioner and Mr.K.H.Ravikumar, the learned Government Advocate for the respondents.

2. The petitioner has filed this writ petition challenging the impugned order passed by the second respondent in Pro.No.1967/A1/2016, dated 08.04.2021 and to direct the respondents to promote him as “Instructor” with effect from the year 2012 onwards with all benefits based on the proposal of the 3rd respondent dated 20.07.2011.



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3. The petitioner was initially appointed as “Museum Keeper” on 23.12.1981 under Rule 10(a)(1) Tamil Nadu State & Subordinate Service Rules and posted in the Institute of Architecture and Sculpture, Mamallapuram. When the district was bifurcated in the year 1991, the Mamallapuram College of Architecture and Sculpture fell under the control of the Director of Art and Culture, Chennai. In the year 1996, the petitioner’s service was regularized with effect from 30.12.1981 to the post of “Museum Keeper”. Even though the petitioner was appointed as “Museum Keeper” in the College of Architecture and Sculpture, Mamallapuram, he was ordered to take classes to Pre-Diploma, Diploma students and Degree students as per order of Mamallapuram College Principal’s Office.

3.1 In the year 2000, the petitioner had passed Bachelor Degree of Fine Arts in Sculpture. Thereafter, he made a representation to the respondents to appoint him as “Lecturer in Sculpture” in the existing vacancy. However the same was rejected by the Government. The writ petition filed by the petitioner challenging the above order was allowed and the Writ Appeal filed challenging the above order was disposed with



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direction to frame Adhoc rules. As per the ad-hoc rules issued vide G.O.Ms.423, Education Department dated 31.03.1986, the qualification to the post of “Instructor” is “Diploma in Architecture and Sculpture” with a practical experience of not less than five years. The Writ Appeal order is only in respect of the post of “Lecturer” and that has not been done so far.

4. Mr.A.R.Suresh, the learned counsel for the petitioner, submitted that the direction of the Court with regard to the fixation of rules for the post of “Lecturer” has not been framed; the Principal of the third respondent has also recommended the Commissioner of Fine Arts and Culture to appoint the petitioner as “Regular Instructor” and that was rejected by the second respondent by the impugned order dated 27.09.2012. Subsequently, the petitioner challenged this order and the Court has passed an order to consider the petitioner’s case prospectively; the petitioner got promoted only seven months prior to his promotion despite his promotion is due from the year 2011 onwards; if the recommendation of the third respondent is considered in a proper perspective, the petitioner would have obtained promotion as Regular



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Inspector as early as on 15.04.2011 onwards instead of 07.10.2015.

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5. Since the recommendation of the third respondent is not considered in a proper perspective, I feel the impugned order is liable to be set aside and the respondents should be directed to consider the petitioner's case in accordance with the recommendation of the third respondent and pass suitable orders.

6. Accordingly, this writ petition is allowed and the impugned order passed by the second respondent in Pro.No.1967/A1/2016, dated 08.04.2021 is hereby quashed the respondents are directed to consider the case of the petitioner in accordance with the recommendation of the third respondent dated 20.07.2011 and pass suitable orders, within a period of four weeks from the date of receipt of a copy of this order. No costs.

12.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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R.N.MANJULA, J.

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To

- 1.The Secretary to Government,
State of Tamilnadu,
Tourism, Culture and Religious
Endowments Department,
Secretariat, Chennai - 9.
- 2.The Commissioner of Art and Culture,
O/o.The Directorate of Art and Culture,
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