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W.A.Nos.2044, 2048, 2050, 2057, 2058, 2060 and 2146 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.Nos.2044, 2048, 2050, 2057, 2058, 2060 and 2146 of 2024
and C.M.P.No.14610 of 2024

W.A.No.2044 of 2024

S.Subhaghar

... Appellant/Petitioner

-VS-

1. The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore-608 002.

3. Directorate of Technical Education (DoTE),
53, Sardar Patel Road,
Guindy, Chennai-600 025.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow the appeal and consequently, set aside the order dated 13.02.2024 passed in W.P.No.3190 of 2024.

For Appellants	:	Mr.N.Vijaynarayan, Senior Counsel For Mr.C.Vigneswaran (in all cases)
For R1 & R3	:	Mr.D.Ravichandran Spl. Govt. Pleader (in all cases)
For R2	:	Mr.Sithirai Anandam (in all cases)



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W.A.Nos.2044, 2048, 2050, 2057, 2058, 2060 and 2061 of 2024

COMMON JUDGMENT

(By D.KRISHNAKUMAR,J.)

These Writ Appeals have been filed, challenging the common order of the learned Single Judge dated 13.02.2024 passed in W.P.Nos.3104 of 2024, etc. batch, by which, learned Single Judge dismissed all the Writ Petitions, seeking restoration of their respective positions.

2. Since a common issue is involved in these Writ Appeals, they are taken up together for combined disposal. For the sake of brevity, facts in nutshell are being taken from W.A.No.2044 of 2024.

3. The case of the appellant is that though he was serving as Associate Professor and the 2nd respondent, by proceedings dated 24.04.2023, ordered for appointment of the appellant as Lecturer in Chemistry in Government Polytechnic Colleges for three years on agreement basis, in terms of G.O.(D) No.106, Higher Education (H1) Department dated 06.04.2023. The representation submitted by the appellant for deputing him as Lecturer in the Department of Basic Engineering for taking Chemistry subject in Polytechnic Colleges, was rejected by the 2nd respondent. The further case of the appellant is that when the rejection order was questioned before



the Writ Court, the said order was upheld, holding that there was no challenge to the Government Order dated 06.04.2023 and that the appellant, having joined the service after accepting the appointment order cannot seek for restoration subsequently. Aggrieved by the order of the learned Single Judge, the appellant and other writ petitioners have preferred the instant Writ Appeals.

4. Learned Senior Counsel for the appellants submitted that the appellants, by way of their deputation to Polytechnic Colleges, cannot be degraded, which would amount to reduction of their ranks from the post of Assistant Professors to Lecturers. The appellants, who conducted classes in Chemical Engineering, were forced to teach the basics in Chemistry. He further submitted that there is no whisper about the scope of employment after completion of three years of service as Lecturers in Polytechnic Colleges.

5. Learned Special Government Pleader appearing for R1 & R3 contended that the Government, on the basis of the recommendations of the Administrator, had taken a decision vide order dated 06.04.2023 in respect of deputation of Assistant Professors in the Polytechnic Colleges in terms of Section 19 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and the tenure of appointment



of surplus teaching and non teaching staff of Annamalai University in the Directorate of Technical Education will be for a period of three years from the date of joining in the respective Offices / Colleges. He further contended that in the Annexure to the Government Orders, it has been vividly stated that after completion of tenure, they shall be reverted back to the Annamalai University and the appellants, having entered into an agreement with the Department and agreed to serve as Lecturers in the Polytechnic Colleges, cannot go back from the agreement, seeking for restoration as Assistant Professors in anyone of the Government Colleges or Institutions coming under the jurisdiction of Directorate of Technical Education.

6. At this juncture, learned Senior Counsel for the appellants requests this Court that in case any regular vacancy arises on account of retirement, resignation, VRS, etc., in the Government Colleges or Colleges falling under the Directorate of Technical Education, these appellants can be considered for deployment as Associate Professors for three years without disturbing the existing Associate Professors working in those Colleges.

7. In our considered opinion, the request made by the learned Senior Counsel will not be prejudicial to any of the parties and based on the qualification, these



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appellants can be considered as Associate / Assistant Professors on regular posts against vacancies to be arisen due to retirement or any other reasons in the Government Colleges or any other Colleges coming within the ambit of Directorate of Technical Education. Accordingly, the appellants shall submit representations to the Respondents 1 and 3 to that extent within a period of one week from the date of receipt of a copy of this judgment. On receipt of any such representations, the 1st respondent is directed to consider the same and take appropriate decision in respect of their deployment as per their existing original cadre (as Associate Professor or Assistant Professor) within four weeks thereafter.

8. With the above observations and directions, these Writ Appeals are disposed of. No costs. Consequently, connected CMP is closed.

[D.K.K,J.] [P.B.B,J.]
04.11.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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D.KRISHNAKUMAR,J.,

AND

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To:

1. The Secretary,
Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai-600 009.
2. The Director of Technical Education (DoTE),
53, Sardar Patel Road,
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