



W.P.No.17982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17982 of 2024

and

W.M.P. Nos. 19724 and 19725 of 2024

G.T.N.Arts College,
Rep.by its Secretary,
K.Rethinam,
1/1, Selvi Illam,
G.T.N.Salai,
Dindigul – 5.

... Petitioner

Vs

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

2. The Director of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai, Saidapet,
Chennai – 600 015.

3. The Regional Joint Director of Collegiate Education,
Madurai Region,
Madurai.

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent made in Na. Ka. No. 14495/H1/2023 dated 09.06.2023 and consequential orders passed by the third respondent in Na. Ka. No. 1777/A3/2023 dated 22.06.2023 and Na. Ka. No. 7348/A3/2023 dated 27.06.2023 quash the same and consequently direct the respondents to disburse the salary of the 5 Assistant Professors namely 1. Tmt. J.Savitha – Tamil, 2. Tmt.A.Vanathy – English, 3. Tmt. B.Subhasri – Zoology from June 2023, 4. Dr.V.Ilakkiya – Commerce and 5. Dr.T.Logu – Physics from their date of appointment i.e., 03.09.2022 & 30.11.2022 respectively.

For Petitioner : Mr. Mrs. A.V.Bharathi
for Mr. E.Martin Jaya Kumar

For Respondents : Mr. C.Jayaprakash,
Government Advocate

O R D E R

The Writ Petition has been filed challenging the order dated 09.06.2023 passed by the second respondent, and the consequential orders dated 22.06.2023 and 27.06.2023 passed by the third respondent, thereby rejecting the request made by the petitioner seeking disbursement of salary to five Assistant Professors appointed in various departments of the petitioner/College.



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2. The petitioner/College has a sanctioned strength of 10 teachers in English and 5 teachers in Tamil. Subsequently, the workload increased due to student strength, and by proceedings dated 28.10.1999, the second respondent increased the cadre strength, thereby sanctioning and increasing 8 posts in English and 4 posts in Tamil. Later, with a further increase in student strength, the petitioner submitted a representation dated 31.08.2018 seeking creation of posts for undergraduate and postgraduate courses as per cadre strength. Upon investigation, the third respondent, by its proceedings dated 19.09.2018, recommended the proposal for sanctioning new posts to the second respondent. However, it was not considered, and consequently, the petitioner was constrained to file a Writ Petition in W.P. No. 26443 of 2018 seeking sanction of additional posts. This Court, by order dated 05.10.2018, directed consideration of the request made by the petitioner.

3. Accordingly, the second respondent sanctioned 3 revival posts and 2 additional posts to the petitioner by orders dated 23.11.2018, 26.12.2018, and 21.07.2022. Based on the said proceedings, the petitioner appointed 5 Assistant Professors in the respective departments and sent



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proposals for salary approval and other benefits to the third respondent. The third respondent approved the appointments and sanctioned salaries by its proceedings dated 11.01.2019, 09.03.2019, 13.12.2022, and 08.03.2023. Thereafter, the University gave approval for educational qualifications to 5 Assistant Professors, with effect from the date of their appointments, by its communications dated 27.12.2018, 01.03.2018, 10.10.2022, and 25.01.2023. However, the second respondent informed the third respondent that without mapping the 5 Assistant Professors' posts in IFHRMS, salaries would not be released. Therefore, the third respondent returned the salary proposals sent by the petitioner/College.

4. The salary details and appointment details of the 5 Assistant Professors are given below:-

Sl. No.	Name & Department	Appointment Date	Salary received from	Salary stopped from
1.	Tmt. J.Savitha Assistant Professor Tamil	24.12.2018	24.12.2018	31.05.2023
2.	Tmt. A.Vanathi Assistant Professor English	24.12.2018	24.12.2018	31.05.2023
3.	Tmt. B.Subhasri Assistant Professor Zoology	11.02.2019	11.02.2019	31.05.2023
4.	Dr. V.Ilakkia Assistant Professor Commerce	03.09.2022	Still Not receiving salary	



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Sl. No.	Name & Department	Appointment Date	Salary received from	Salary stopped from
5.	Dr. T.Logu Assistant Professor Physics	30.11.2022	Still Not receiving salary	

5. On perusal of the counter affidavit filed by the respondents, the learned Government Advocate appearing for the respondents submitted that the second respondent has no power to revive posts that were not in use. However, by communication dated 21.07.2022, the second respondent sanctioned 2 posts, one each for the Physics and Commerce departments, which is not backed by any statutory provisions and thus a nullity. Therefore, the salary could not be disbursed to the Assistant Professors appointed by the petitioner for additional posts. The Government did not create the additional posts sanctioned by the second respondent, and as such, the posts cannot be mapped in the Integrated Financial and Human Resources Management System (IFHRMS) portal of the Treasuries and Accounts Department. Moreover, the power to create new posts vests with the Government, with the concurrence of the Finance Department. He further submitted that the additional posts have not been sanctioned by the Government for Aided Colleges.



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6. On perusal of the records, it reveals that as directed by this Court, considering the workload due to an increase in student strength, the second respondent sanctioned 3 revival posts and 2 additional posts to the petitioner/College vide proceedings dated 23.11.2018, 26.12.2018, and 21.07.2022. Accordingly, the petitioner appointed 5 Assistant Professors as stated supra. The University also gave approval for their educational qualifications, with effect from the date of their appointments. In fact, after approval of their educational qualifications, the salary was also revised for 3 Assistant Professors from the date of their employment till 31.03.2023. However, all of a sudden, the second respondent, by its communication dated 09.06.2023, informed the third respondent that without mapping the 5 Assistant Professors' posts in the Integrated Financial and Human Resources Management System (IFHRMS) portal of the Treasuries and Accounts Department, the salary would not be released.

7. Further, it is seen that from the communication dated 21.07.2022, on the file of the second respondent, 2 additional posts were



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sanctioned in the Departments of Physics and Commerce. Already, 3 posts had been revived for Assistant Professors. Therefore, the third respondent, being subordinate to the second respondent, cannot say that the second respondent has no power to revive posts that were not in use and also has no power to sanction 2 new additional posts in the cadre of Assistant Professors. As stated supra, in order to comply with the order passed by this Court and also considering the student strength and workload of the other Assistant Professors, the second respondent duly accorded sanction for additional posts, including 3 revival posts. Accordingly, the petitioner appointed 5 Assistant Professors in the sanctioned vacancies.

8. Considering the above facts and circumstances of this case, the second respondent is directed to map the sanction of 5 additional posts to the petitioner/College in the Integrated Financial and Human Resources Management System (IFHRMS) portal of the Treasuries and Accounts Department and to disburse the salary and arrears of salary, if any, of the 5 Assistant Professors appointed by the petitioner within a period of two weeks from the date of receipt of a copy of this order.



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9. In the result, this Writ Petition is allowed to the extent indicated above. Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No
Neutral Citation/Yes/No
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To

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