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W.P.No.1331 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.1331 of 2021
and W.M.P.No.1491 of 2021

The Tamil Nadu All Government College,
UGC Qualified Guest Lecturer Association,
Rep by its President Mr.V.Thangaraj,
No.609, Thoppu Street,
Melsolankuppam village and post,
Kalasapakkam Taluk, Tiruvannamalai 606 901.

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai 600 009.
- 2.The University Grants Commission (UGC)
Rep by its Chairman,
Bahadur Shan Zafar Marg,
New Delhi 110002.

- 3.The Director,
O/o, the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai 600 006.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, to direct the respondents 2 and 3 to implement the Revised Guidelines in No.F.25-1/2018 (PS/MISC.) dated 28.01.2019 issued by the second respondent and to pay the enhanced rate of Rs.1500/- per lecture subject to a maximum of Rs.50,000/- per month to each of the members of the petitioner's Association and the details of members are mentioned in the Annexure to the affidavit of the writ petition, with effect from 28.01.2019.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.K.Surendran, AGP for R1 & R3

Ms.V.Sudha for R2

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 2 and 3 to implement the Revised Guidelines in No.F.25-1/2018 (PS/MISC.) dated 28.01.2019 issued by the second respondent and to pay the enhanced rate of Rs.1500/- per lecture subject to a maximum of Rs.50,000/- per month to each of the members of the petitioner's Association with effect from 28.01.2019.



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2. Heard Mr.R.Bharath Kumar, learned counsel for the petitioner, Mr.K.Surendran, learned Additional Government Pleader for the respondents 1 and 3 and Ms.V.Sudha, learned counsel for the 2nd respondent.

3. The petitioner is a registered Association with the Registrar of Societies, Tiruvannamalai having 30 members as its registered members all over the State of Tamil Nadu. The members of the Association were presently working as Guest Lecturers in various Colleges in the State of Tamil Nadu. They have been appointed as Guest Lecturers in the Government Colleges pursuant to the notices / advertisements affixed in the notice board of the respective Colleges. The University Grants Commission has sent a communication to the Registrar of all Universities for enhancing the honorarium of the Guest Lecturers at the rate of Rs.1500/- per lecture subject to the maximum of Rs.50,000/- per month. The Tamil Nadu Government has fixed the maximum honorarium for Guest Lecturers at Rs.20,000/-.



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4. It is claimed by the petitioner Association that *through* an order dated 24.01.2019 made in W.P.Nos.11806 of 2017, 14260, 14600 & 16290 of 2018, the Government was directed to enhance the maximum amount to be payable to the Guest Lecturers at Rs.30,000/- per month. Now the petitioner claims that the Guest Lecturer's fee has to be enhanced in accordance with the UGC guidelines. It is seen from G.O.(D).No.261, Higher Education (I1) Department, dated 02.09.2023, that the honorarium for the Guest Lecturer has been raised from Rs.15,000/- per month to Rs.20,000/- per month from 01.01.2020 onwards.

5. The learned counsel for the third respondent submitted that the Guest Lecturer's honorarium has already been revised and the Government of Tamil Nadu has yet to take a decision subsequent to the direction of this Court in W.P.Nos.11806 of 2017, 14260, 14600 & 16290 of 2018 dated 24.01.2019.



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6. However, the learned counsel for the second respondent submitted that the Association has filed this Writ Petition and not the individuals and hence the petition itself is not maintainable.

7. Before adverting into the maintainability, it is surprising that the Association of Guest Lecturers have taken up certain demand for raising the honorarium. The very honorarium itself is only to honour the service given by the Guest Lecturers. If the Guest Lecturers are not honoured properly, there is no obligation caused upon them to honour the invitation extended to them to give lectures. It appears that the Government has also utilised the unemployment in the Education Sector and engage the Lecturers as Guest Lecturers by paying a paltry sum, which is rather a disgrace than an honour. The scholars who are qualified to take classes for college students are under compulsive circumstances due to unemployment to accept whatever minimum honorarium paid to them for taking classes. So it is for the Government to raise up to the occasion and formulate appropriate policy taking into consideration of the UGC guidelines as well and to enhance the honorarium payable to the Guest



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Lecturers per month.

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8. It is also surprising to note that the Guest Lecturers' services are engaged on monthly basis. In fact, there cannot be any fixed faculty like permanent Guest Faculty. The persons who are qualified in a specific area or have special expertise in a subject will be engaged as Guest Lecturers in order to give better and wider exposure to the students in the particular subject. But continual engagement of Guest Lecturers on monthly basis would only show that the unemployment of the persons who are qualified to be appointed as College Teachers and they are being exploited in the name of Guest Lectureship. There cannot be any other disgrace to the scholars than accepting some exploitative terms to escape from starvation. There cannot be employee-employer relationship between the Guest Lecturer and the Government in order to guard them with any service benefits including enhancement of honorarium. Hence, I feel the Government shall in all fairness appreciate and respect their services and enhance the honorarium payable for them by giving due credit to their expertise.



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9. With the above observations, this Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai 600 009.
2. The Chairman,
The University Grants Commission (UGC)
Bahadur Shan Zafar Marg,
New Delhi 110002.
- 3.The Director,
O/o, the Director of Collegiate Education,
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R.N.MANJULA, J.

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