



Writ Petition No.25262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.25262 of 2024

and

W.M.P.No.27598 of 2024

N.Chitra

D/o.R.Nataraj

... Petitioner

Vs.

1.The University Grants Commission,
represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

2.The State of Tamil Nadu,
represented by its
Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.

3.Teachers Recruitment Board,
represented by its Chairman,
EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

4.Directorate of College Education,
577, Anna Salai, Saidapet,
Chennai, Tamil Nadu - 600 015.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to conduct certificate verification and permit the petitioner to participate in the selection for the post of Assistant Professor as per G.O.Ms.No.56 Higher Education (F2) Department dated 21.03.2020 by considering their qualification as on the date of their appointment as Guest Lecturers in the light of G.O. Ms. No. 305 of 2022 dated 26.12.2022.

For Petitioner : Mr.B.Prashanth Nadaraj
For Respondents : Ms.V.Sudha, Standing Counsel [R1]
Mr.K.Surendran
Additional Government Pleader
[R2 & R4]
Mr.K.Sathish Kumar [R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to permit the petitioner to participate in the selection for the post of Assistant Professor as per G.O.Ms.No.56 dated 21.03.2020 by considering the qualification of the petitioner as Guest Lecturer as on the date of her appointment in the light of GO Ms.No.305 of 2022 dated 26.12.2022.



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2. Heard Mr.B.Prashanth Nadaraj, learned counsel for petitioner, Ms.V.Sudha, learned standing counsel appearing for first respondent, Mr.K.Surendran, learned Additional Government Pleader appearing for respondents 2 and 4 and Mr.K.Sathish Kumar, learned counsel for third respondent.

3. The case of the petitioner is that she has been serving as a Guest Lecturer in various Government colleges for more than 15 years. According to the petitioner, her selection was done by following the proper procedure on merits.

4. The Government decided to regularise the services of the Guest Lecturers as a one time measure in furtherance of GO Ms.No.56 dated 21.03.2020. Thereby 1146 posts were identified for regularisation of Guest Lecturers. The petitioner was expecting that her candidature will also be considered since she possesses all requisite qualifications.

5. The second respondent, through G.O.Ms.Nos.246, 247 and 248 dated 08.11.2022, decided to fill up 4,000 vacancies of Assistant



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Professor by way of direct recruitment by disregarding the earlier Government Order in G.O.Ms.No.56 dated 21.03.2020.

6. The same became a subject matter of challenge before this Court in a batch of writ petitions in W.P.No.1971 etc., of 2023. This Court on considering the rival claims allowed the writ petitions in the following terms:-

"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 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



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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 and complete the same within a period of twelve weeks from the date of receipt of copy of this order."

7. The grievance of the petitioner is that she possesses all the necessary qualifications and is entitled for regularisation of her service in line with G.O.Ms.No.56 dated 21.03.2020 in the post of Assistant Professor. However, the candidature of the petitioner was not considered and the petitioner was not called for certificate verification. It is under these circumstances, the present writ petition came to be filed before this Court.

8. When the matter was taken up for hearing, learned Additional Government Pleader appearing on behalf of respondents 2 and 4, based on the written instructions received from the fourth respondent, submitted that aggrieved by the order passed in WP No.1971 etc of 2023, Writ Appeals were filed in W.A.Nos.1360 & 1364 of 2024. The same were entertained. The contempt petitions that were filed for non-implementation of the order passed by learned Single Judge was also closed on considering the fact that Writ Appeals are pending.



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9. Learned counsel for the petitioner submitted that the petitioner must either be regularised as per G.O.Ms.No.56 dated 21.03.2020. In the alternative, if 1146 posts is included among the 4,000 vacancies for direct recruitment for the post of Assistant Professor, then, the petitioner must be permitted to participate in that selection. Thus, the claim made by the petitioner is that the petitioner should not left high and dry and in whatever mode the selection takes place for the post of Assistant Professor, the petitioner must be permitted to participate in the same.

10. Considering the limited relief sought for by the petitioner, no positive directions can be given for the present in the light of the pending Writ Appeals in W.A.Nos.1360 and 1364 of 2024. Ultimately, based on the final result in the Writ appeals, if the Government is able to proceed further with the entire selection by way of direct recruitment, the candidature of the petitioner can be considered during that recruitment process based on her qualification and fulfilment of the requirements. On the other hand, if the Division bench upholds the order of learned Single Judge, then the claim made by the petitioner under G.O.Ms.No.56 dated 21.03.2020 shall be considered subject to the petitioner fulfilling all the



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requirements. This clarity will sufficiently take care of the grievance expressed by the petitioner.

This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Directorate of College Education,
577, Anna Salai, Saidapet,
Chennai, Tamil Nadu - 600 015.



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N.ANAND VENKATESH, J

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