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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.27549 of 2024

Dr.B.Palani

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat, Chennai 600 009

2. The University Grants Commission (UGC),
Rep. By its Chairman
Bahadur Shan Zafar Marg,
New Delhi – 110 002.

3. The Director,
The Director of Collegiate Education,
577, Annasalai, Saidapet, Chennai 600 015

.. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing 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.1,500/- per lecture subject to a maximum of Rs.50,000/- per month to the petitioner with effect from 28.01.2019 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
For Respondents : Mr.K.Surendran
Additional Government Pleader
for R1 and R3
Mrs.V.Sudha
Standing Counsel for R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent to implement the revised guidelines dated 28.01.2019 issued by the 2nd respondent and to pay the amount fixed under this guideline to the petitioner, who is working as a Guest Lecturer.

2. The case of the petitioner is that he is serving as a Guest Lecturer (Zoology) in a Government College from the year 2015. The further case of the petitioner is that he possess all the qualifications and has been serving as a Guest Lecturer continuously.

3. The grievance of the petitioner is that the 2nd respondent viz.,



the University Grants Commission [UGC] issued revised guidelines dated 28.01.2019 whereby all the Universities which came under the UGC guidelines were asked to enhance the rates to Honorarium paid to the guest faculty. It was provided that the Honorarium for guest faculty must be enhanced to Rs.1,500/- per lecture subject to a maximum of Rs.50,000/- per month. According to the petitioner, this amount has not been paid to the petitioner and hence, the present writ petition has been filed before this Court.

4. Heard Mr.S.Louis, learned counsel for the petitioner and Mr.K.Surendran, learned Additional Government Pleader for Respondents 1 and 3 and Mrs.V.Sudha, learned Standing Counsel for 2nd respondent.

5. It is seen from records that an earlier order was passed by this Court in WP No.1331 of 2021 which was filed by the Tamil Nadu All Government Colleges UGC qualified Guest Lecturer Association seeking for the relief of implementing the revised guidelines issued by the 2nd respondent and to pay the enhanced rate of Rs.1,500/- per lecture subject to a maximum of Rs.50,000/- per month to each member of the association. This



writ petition was disposed of by an order dated 21.03.2023 in the following

terms :-

7. Before advertizing 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 Lecturers per month.

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 any 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.

6. The learned Additional Government Pleader appearing on behalf of the respondents 1 and 3 produced the written instructions received from the 3rd respondent. On going through the same, it is seen that guest lecturers are engaged in various Government Arts Colleges on temporary basis. They take classes for 16 hours per week and they are engaged for nearly 11 months in a year. They are given one month break every year during the month of May. Earlier, the guest lecturers were paid honorarium



of a sum of Rs.20,000/- which was enhanced to Rs.25,000/- with effect from June 2023 in line with GO MS.No.261 dated 02.09.2023. The Joint Director has further stated that the services of the petitioner is utilised purely on temporary basis and that they cannot consider themselves on par with the regularly employed lecturers and therefore, they will not be entitled for any other benefit apart from what is paid to them under GO Ms.No.261 dated 02.09.2023.

7. In the considered view of this Court, the lecturers who are appointed in various Government Arts Colleges, must satisfy the qualifications prescribed by UGC. The revised guidelines were issued by the UGC after the 7th pay Commission and the revised guidelines addressed to the Registrar of All Universities states that the Honorarium for Guest faculty must be enhanced to Rs.1,500/- per lecture subject to a maximum of Rs.50,000/- per month. It is also made clear that the guest lecturer must be appointed only against a sanctioned post and in cases where the sanctioned posts are not adequate in order to manage the additional teaching work load, the guest lecturers can be appointed up to 20% over and above the sanctioned posts. It is further made clear that the qualification of the guest



faculty must be the same as those prescribed for the regular faculty under the UGC regulations. The guidelines also states that the guest faculty will not be given the benefit of allowances, pension, gratuity and leave as admissible to the regular lecturers.

8. The grievance of the petitioner is that the revised guideline that was issued by the UGC is not being followed by the 3rd respondent. On the other hand, the 3rd respondent has taken a stand that the guest faculty is paid a sum of Rs.25,000/- per month from June 2023 as per GO Ms.No.261 dated 02.09.2023 and that the guest faculty cannot be paid the amount as prescribed by the University Grants Commission under the guidelines.

9. This Court had already passed an order in a writ petition filed by the Association in WP No.1331 of 2021 dated 21.03.2024 where a similar relief was sought for. The 3rd respondent cannot come up with a different stand in this case. The 3rd respondent must either direct the colleges to pay the guest faculty as per the revised guidelines issued by UGC dated 28.01.2019 or the 3rd respondent must pass a specific order as to why the said guideline issued by UGC is not binding and that the honorarium paid to



the guest faculty under GO Ms.No.261 dated 02.09.2023, will only be governed by GO Ms.No.261 dated 02.09.2023. Only if such a specific stand is taken, either the guest lecturers will get the relief as per the revised guidelines or if they don't get that relief, they atleast will be able to challenge the decision taken by the 3rd respondent in that regard.

10. In the light of the above discussion, there shall be a direction to the 3rd respondent to take a decision on the revised guidelines issued by University Grants Commission dated 28.01.2019 with respect to the enhancement of the rates of Honorarium of Guest faculty. If the same is going to be followed, the rates as fixed under the revised guidelines shall be paid to the guest faculty engaged in various Government Arts Colleges starting from December 2024. On the other hand, if the 3rd respondent is of the opinion that the revised guideline is not binding and that the honorarium will be paid only as per GO MS.No.261 dated 02.09.2023, specific order shall be passed in that regard on or before 30.11.2024.

11. This writ petition is disposed of in the above terms. No costs.



18.10.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J

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To

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