



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.8031 of 2024
and
WMP(MD)Nos.7289 &7290 of 2024

1.R.Thangamuniyandi

2.S.Krishnamoorthy

3.M.Ramamanonmani

.. Petitioner

Vs.

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

2.The Director,
The Director of Collegiate Education,
EVK Sampath Maaligai,
DPI Campus, Nungampakkam,
Chennai-600 006.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,



DPI Campus, Nungampakkam,
Chennai- 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders in G.O.Ms.No. 247 and G.O.Ms.248 on the file of the respondent No.1 and quash the same as illegal and consequently to direct the respondents to regularise the petitioners/Guest Lecturers working in Government Arts & Science Colleges as initiated vide G.O.Ms.No.56, Higher Education (F2) Department, dated 21.03.2020.

For Petitioners : Mr.S.Louis

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The petitioners have challenged the impugned orders passed by the first respondent in G.O.(Ms)Nos.247 and 248 Higher



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Education(F2) department dated 08.11.2022 and for a consequential direction to the respondents to regularize them/Guest Lecturers working in Government Arts & Science Colleges as initiated vide G.O(Ms)No.56, Higher Education (F2) Department, dated 21.03.2020.

2. Heard Mr.S.Louis, learned counsel for the petitioners and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioners are initially appointed as Guest Lecturer (Tamil) in Raja Durai Government Arts & Science College, Sivagangai in the year 2002, 2014 and 2005 respectively. They have passed the National Eligibility Test in the year 1999,



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2015 and 2004 respectively. Till date they are serving as Guest Lecturers in the said college. The petitioners also completed their doctorate (Ph.D.) in the year 2015, 2019 and 2018 respectively. While so, for regular absorption, the Government passed GO.Ms.No.56 Higher Education (F2) Department dated 21.03.2020, thereby ordered to regularize the services rendered by the Guest Lecturers in Government Arts and Science Colleges and Colleges of Education by appointing them as Assistant Professors in Government Arts and Science Colleges and Colleges of Education in Tamilnadu in Collegiate Education service subject to certain conditions.

5. In the year 2010, the first respondent assured to the associations of the Guest Lecturers that the Guest Lecturers who possess the requisite UGC qualification would be absorbed in pursuance to the special examination conducted on 22.03.2010. It was also assured in G.O.(Ms)No.56, Higher Education (F2)



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Department, dated 21.03.2020 that the selection process would be strictly in accordance with the previous selection process as contained in G.O.(Ms)No.412, Higher Education (F2) Department, dated 04.12.2009 and G.O.(Ms)No.32, Higher Education (F2) Department, dated 08.03.2012 and Government Letter No. 20575A/F2/2011, dated 27.06.2012 by allotting marks as stipulated therein.

6. In pursuance to the G.O.(Ms)No.56, Higher Education (F2) Department, dated 21.03.2020, the petitioners attended the certificate verification in the month of February, 2021. She was one among the candidates ready to attend the interview for absorption/appointment as the Assistant Professor in 1146 earmarked vacancies and till date there is no progress in that regard, instead, the instant impugned orders were issued, challenging which, the present Writ Petition is filed.



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7. The learned counsel for the petitioner submitted that the case is squarely covered by judgment, *dated 02.04.2024* passed in *W.P.Nos.1971 of 2023* etc., batch (*B.Senthilkumar and others Vs. The State of Tamil Nadu, rep. by its Principal Secretary to Government, Higher Education Department, Secretariat, Chennai and another*). Since the petitioner is also similarly placed like that of the petitioners therein, the learned counsel for the petitioner prays for appropriate directions.

8. This court considered the rival submissions made and perused the materials available on record.

9. As rightly contended by the learned counsel for the petitioner, the issue in the present case is no longer *res integra* in view of the judgment passed by this Court in batch of Writ petitions in *W.P.Nos.1971 of 2023, etc. batch*, dated 02.04.2024, wherein,



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when similarly placed persons like that of the petitioners have challenged G.O.(Ms)Nos.247 and 248. This Court has allowed those writ petitions thereby quashing the above said Government Orders and directed the respondents to proceed with the selection process to fill up 1146 posts of Assistant Professors in accordance with 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.

10. For ready reference, the relevant paragraphs in ***W.P.Nos.1971 of 2023*** etc., batch, ***dated 02.04.2024*** are extracted hereunder :

“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



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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 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.

10. In the result, all the writ petitions stand allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs."

11. Following the same, this Writ Petition is **allowed** and the impugned order in G.O.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 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. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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To

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

2.The Director,
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EVK Sampath Maaligai,
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3.The Chairman,
Teachers Recruitment Board,
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R.N.MANJULA, J.

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