



W.P.(MD)No.9642 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9642 of 2023

and

W.M.P.(MD).No.8541 of 2023

G.Saravana Kumar

... Petitioner

Vs.

1. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.

2. The Director of Collegiate Education,
O/o.Director of Collegiate Education,
Chennai-600 015.

3. The Principal,
Government Arts and Science College,
Kottur,
Theni District.

4. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.
(R4 suo motu impleaded vide order dt., 19.09.2024
in W.P.(MD).9642 of 2023 by RVJ)

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd and 3rd respondents either permit the petitioner to continue in service in the 3rd respondent college or surrender the post of the petitioner to the 1st respondent and also direct the 2nd and 3rd



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respondents to disburse the salary for the month from October 2022 to till date based on the petitioner representation dated 25.03.2023 within the time limit stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent No.1 : Mr.T.Cibichakraborty

For Respondents Nos.2 & 3 : Mr.N.Satheesh Kumar
Additional Government Pleader

* * * * *

ORDER

The instant writ petition has been filed by an Office Assistant working in the 3rd respondent college, seeking a mandamus to permit him to continue in service in the said college or surrender the post to the 1st respondent. The petitioner has further sought for a direction to the 2nd & 3rd respondents to disburse the salary from the month of October-2022 to till the date of filing of the writ petition.

2. When the petitioner was appointed as an office assistant in the 3rd respondent college, it was a constituent college of Madurai Kamaraj University. The said college was taken over by the Government in G.O.Ms.No.36, Higher Education (G1) Department dated 28.02.2019. As per the arrangement between



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the Department of Collegiate Education and the university, after taking over of the college by the Government, the salary would be disbursed by the university to the concerned teaching and non-teaching staff and thereafter the amount will be reimbursed by the state. Only in September-2022, financial sanction was granted by the government, and the government started directly paying the salary to the concerned teaching and non-teaching staff in the 3rd respondent college.

3. The petitioner herein was originally appointed as an Office Assistant on consolidated pay. The petitioner apprehends that the college being taken over by the government, he is likely to be ousted from service. The 3rd respondent has filed a counter, paragraph 12 of the counter is extracted as follows :

“12. This respondent have not disturbed the service of writ petitioner at 3rd respondent college at any point of time. In fact, after getting financial administrative sanction from April 2023 writ petitioner herein was been paid salary as per his appointment order and he was also permitted to discharge his duty in the 3rd respondent on consolidated pay. The writ petitioner can continue in service of 3rd respondent college on consolidated pay till post is filled with the permanent employee or requirement of said post no more needed for the 3rd respondent college in terms of his appointment conditions.”



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4. In view of the counter, it is clear that the petitioner would continue to discharge his duties in the 3rd respondent's college on a consolidated pay. Therefore, the apprehension of the writ petitioner is unfounded. The petitioner has further contended that he has not been paid salary from October-2022 to March 2023 and from March 2024 to May 2024.

5. The learned Government pleader on instructions submits that the salary has to be paid by the department of collegiate education for the above said period. The principal of the 3rd respondent college has addressed a communication to the 2nd respondent on 21.10.2022 and again on 21.12.2022, seeking the approval of the 2nd respondent for disbursement of salary to the petitioner. However, no orders have been passed by the 2nd respondent on the said proposal.

6. In view of the above said facts, the 2nd respondent herein is directed to consider the proposal forwarded by the 3rd respondent, and if found eligible, the eligible salary shall be disbursed to the writ petitioner for the period between October 2022 to March 2023 and from March 2024 to May 2024 within a period of eight (8) weeks from the date of receipt of copy of this order.



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7. With the above said observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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R.VIJAYAKUMAR, J.

GVN

To

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