



WP(MD)No.11129 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.11129 of 2019
and
WMP(MD)Nos.8492, 8493 of 2019

T.Raja Rajan

.. Petitioner

v.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai.

2.The Director of Collegiate Education,
O/o.Director of Collegiate Education,
9th Floor, EVK Sampath Building,
College Road, Chennai – 6.

3.The Regional Director of Collegiate Education,
O/o.Regional Director of Collegiate Education,
Madurai Region,
Madurai District.

4.The Madurai Kamaraj University,
Rep. by its Registrar,
Madurai, Madurai District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to absorb the petitioner in the post of Lecturers / Assistant Professors in Tamil in the Government Arts and Science College, Kottur, Theni District, within a stipulated time frame.

For Petitioner : Mr.Karthick

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R.1 to R.3

No appearance for R.4

ORDER

The petitioner is working as a Lecturer in the college affiliated to the Madurai Kamaraj University. The case of the petitioner is that he is working as a Lecturer from the year 2010. According to him, he is having all the required qualification and he has been appointed by the Committee only upon satisfying all the requirements as per the UGC norms. Therefore, the petitioner has filed this writ petition seeking a mandamus directing the



respondents to absorb him in the post of Lecturers / Assistant Professors in the Government Arts and Science Colleges, Kottur, Theni District.

2.Learned Counsel for the petitioner submitted that there is a permanent regular vacancy, however, the petitioner is working on adhoc basis without any permanency for the past 14 years.

3.Though a counter affidavit has been filed, it does not speak about the rights of the petitioner and the procedures for appointing a regular Lecturer. A vague counter affidavit has been filed in this writ petition.

4.By referring this counter affidavit and by relying upon G.O.Ms.No. 394, Higher Education Department, dated 27.12.2010, learned Additional Government Pleader submitted that pursuant to this Government Order, the Constituent Colleges have been taken over as Government Colleges and as and when the regular posts are filled up, the petitioner would also be considered depending upon his qualification.



5.This Court considered the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, this petitioner was appointed as a Guest Lecturer on temporary basis. Since he is working from the year 2010, he seeks regularization of his service. According to him, he was appointed by the committee as per the UGC norms and after satisfying that he is having all the required qualifications.

7.Considering the facts and circumstances of the case, this writ petition stands disposed of with the following direction:-

In the event if the respondents are filling up the post of Lecturers in the regular cadre, the respondents shall consider the case of this petitioner, because of the fact that he is serving in adhoc basis. The petitioner's case should be considered only on merits and only if he fulfils with all the requirements as per the UGC norms.



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There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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NCC : Yes / No

gk

To

- 1.The Principal Secretary to Government,
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Chennai.
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B.PUGALENDHI, J.

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