



W.P.(MD)No.15496 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15496 of 2024 &
W.M.P.(MD)No.13544 of 2024

The Secretary,
Holy Cross College (Autonomous)
Teppakulam Post,
Tiruchirapalli - 620 002.

... Petitioner

vs.

1.The State of Tamilnadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.

2.The Director of Collegiate Education,
No.577, Anna Salai, College Road,
Chennai - 600 015.

3.The Regional Joint Director of Collegiate Educational
Tiruchirappalli Region,
Tiruchirappalli - 620 023.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the records
relating to the impugned letter issued by the 2nd respondent Director of



W.P.(MD)No.15496 of 2024

Collegiate Education in 50217/f3/2022 dated 14.06.2023 and the consequential impugned proceeding of the 3rd respondent Joint Director in Na.Ka.No. 0472/A2/2021 date..07.2023 quash the same and further direct the 2nd respondent Director of Collegiate Education to approve forthwith the promotions given to the Lab Assistants as Assistants in the petitioner's college viz X.Arockia Flora and V.Dhanalakshmi and disburse the grant-in-aid towards their salaries w.e.f respective dates of their promotion viz., 07.11.2016 and 23.06.2017 with all attendant benefits.

For Petitioner : Ms.A.Amala

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Ms.A.Amala, learned counsel appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition seeking to quash the impugned letter issued by the second respondent in 50217/f3/2022 dated 14.06.2023 and the consequential impugned proceeding of the third



W.P.(MD)No.15496 of 2024

WEB COPY

respondent in Na.Ka.No.0472/A2/2021 dated .07.2023 and direct the second respondent to approve forthwith the promotions given to the Lab Assistants as Assistants in the petitioner's college viz X.Arockia Flora and V.Dhanalakshmi and disburse the grant-in-aid towards their salaries w.e.f respective dates of their promotion viz., 07.11.2016 and 23.06.2017 with all attendant benefits.

3. The petitioner College has promoted one X.Arockia Flora and V.Dhanalakshmi to the post of Assistant from the post of Lab Assistant with effect from 07.11.2016 and 23.06.2017 respectively. Originally, the proposal submitted by the College for approval of promotion was returned by the third respondent stating that as per the Government Letter in No.646/G2/2013-1, dated 14.08.2013 such promotions cannot be granted. Subsequently, the petitioner College has sent a letter to the second respondent on 01.11.2021 seeking to grant approval to the promotion by citing the Judgment of this Court in W.A. (MD)Nos.114 and 9 of 2020 dated 25.03.2021. However, the second respondent vide the impugned letter dated 14.06.2023 has stated that the



W.P.(MD)No.15496 of 2024

Lab Assistant post is not a feeder category to the promotion post of Assistant and refused to grant approval to the promotion accorded by the College. Following the same, the third respondent vide the impugned order dated .07.2023 stated that approval cannot be granted to the promotion granted by the College. Hence, the petition.

4. In this regard, it is pertinent to refer the Government Letter in No.646/G2/2013-1, dated 14.08.2013 wherein it is stated that since the pay for the post of Lab Assistant is equivalent to that of Junior Assistant / Typist / Store Keeper, Lab Assistants cannot be considered for promotion to the post of Junior Assistant / Typist / Store Keeper.

5. If the Lab Assistant's pay is equivalent to that of Junior Assistant / Typist / Store Keeper, then the promotional avenues open to the Lab Assistant could also be equivalent to that of the promotional posts which would be accommodated to the post of Junior Assistant / Typist / Store Keeper. In case, there are proceedings in the second and third respondents Department for promoting any of the Junior Assistant /



W.P.(MD)No.15496 of 2024

WEB COPY

Typist / Store Keeper to the post of Assistant, then the petitioner College's request shall be re-considered on similar lines and approval can be granted to the promotion of X.Arockia Flora and V.Dhanalakshmi to the post of Assistant.

6. Ms.A.Amala, learned counsel appearing for the petitioner submitted that there are earlier instances where the Lab Assistants (Senior Grade) have been promoted to the post of Assistant and hence, X.Arockia Flora and V.Dhanalakshmi are entitled to get the similar promotional avenue to the post of Assistant.

7. The learned counsel appearing for the petitioner further submitted that X.Arockia Flora and V.Dhanalakshmi, for whom, the petitioner College has sought for promotion approval, are the senior most in the post of Lab Assistant.

8. In view of the above submissions, I feel it is appropriate to remit the matter back to the respondents 2 and 3 for fresh consideration.



W.P.(MD)No.15496 of 2024

WEB COPY

9. Accordingly, the writ petition is **disposed of** and the impugned letter issued by the second respondent in 50217/f3/2022 dated 14.06.2023 and the impugned order of the third respondent in Na.Ka.No. 0472/A2/2021 dated .07.2023 are quashed. The matter is remitted back to the file of the respondents 2 and 3 for passing fresh orders in the light of the observations made by this Court in the preceding paragraphs. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi



W.P.(MD)No.15496 of 2024

WEB COPY To

- 1.The Secretary,
Department of Higher Education,
Fort St.George, Chennai - 600 009.
- 2.The Director of Collegiate Education,
No.577, Anna Salai, College Road,
Chennai - 600 015.
- 3.The Regional Joint Director of Collegiate Educational
Tiruchirappalli Region,
Tiruchirappalli - 620 023.



WEB COPY



W.P.(MD)No.15496 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.15496 of 2024

11.07.2024