



W.P(MD)No.24190 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24190 of 2022 and
WMP(MD) Nos.16568 of 2023, 18304 & 18305 of 2022

Nagarethinam.K

... Petitioner

Vs

1.The Chairman,
Board of Governors,
State Institute of Hotel Management and
Catering Technology (SIHM),
Holding the Post of Principal Secretary,
Ministry of Tourism and Development,
Government of Tamil Nadu,
Fort St.George,
Chennai.

2.The Principal,
State Institue of Hotel Management and
Catering Technology (SIHM),
Thuvakudi,
Tiruchirapalli, Tamil Nadu.

3.The Chairman,
National Council For Hotel Management
and Catering Technology,
Noida.

...Respondents



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PRAAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Advertisement for Recruitment published by the State Institute of Hotel Management and Catering Technology, Thuvakudi, Trichy in Employment News 3-9 September 2022, quash the appointment process as shown in the impugned Advertisement, Consequently directing the 2nd respondent to provide for a new Notification calling for appointment of Teaching staff for permanent staff and contractual staff at the ratio of 80.20.

For Petitioner	: Mr.S.K.Mani
For Respondents	: Mr.Veerakathiravan
	Additional Advocate General
	Assisted by
	Mr.P.T.Thiraviam
	Government Advocate

ORDER

The petitioner is an erstwhile employee of State Institute of Hotel Management and Catering Technology, Thuvakudi, Trichy. He has filed this writ petition challenging the notification issued by the second respondent, calling for applications to fill up the vacancies of Lecturers and Assistant Lecturers on contract basis and on consolidated basis for a period of three years. This notification



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has been challenged by this petitioner on the ground that the second respondent is a Government sponsored Institution, however, they are recruiting staff only on ad hoc basis and there is no permanent staff in the second respondent Institution.

2.The learned counsel appearing for the petitioner submits that the petitioner has worked in the second respondent Institute as a Lecturer on contract basis for the academic year 2019-2021 and at that relevant point of time, the Institute was having 11 Lecturers, among which, 10 lecturers are appointed on ad-hoc basis. According to the learned counsel, in an Institute of Hotel Management and Catering Technology, there shall be one Principal, 4 Heads of Department, each one to Food Production, Food and Beverage Service, House Keeping and Front Office. The learned counsel by referring to the recruitment Rules framed by the National Council of Hotel Management and Catering Technology submits that though this Institute is directly affiliated to the National Council of Hotel Management and Catering Technology and the



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student strength is more than 300, the Institute is not having sufficient faculties and it cannot be run with the contract employees alone.

3.The respondents have filed a detailed counter affidavit in the year 2022 stating that the second respondent Institute was established in the year 1981, as per G.O.(Ms) No.186, Department of Education, dated 01.02.1980 and it is only a self finance Institution, running based on the fee collected from the students. They have admitted that a grant has been provided by the Government of Tamil Nadu. The Institution is administered by the Board of Governors and they are the Secretary to Tourism Department, Finance Department, the Commissioner of Technical Education and the Regional Director of Tourism Department. The National Council for Hotel Management and Catering Technology in its Recruitment Rules (Teaching), clearly laid down the categories of posts along with time scale and tenure based contractual appointment. As there is no regular scale, a consolidated pay, not



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below the minimum basic in the central scale with applicable allowances be offered. In case of consolidated pay, an annual increment not less than 3% on pya also is offered. The Sub Committee recommendations are in line with the guidelines of the National Council for Hotel Management and Catering Technology.

4.Today(04.12.2024), when this writ petition is taken up for hearing, the learned Additional Advocate General assisted by the learned Government Advocate has produced a communication of the Principal, State Institute of Hotel Management and Catering Technology, Thuvakudi, Trichy in Lr.No.SIGMCT/Estt/2024, dated 04.12.2024 and submits that the Board of Governors in their 54th meeting, which was held on 19.01.2024 have passed a resolution to recruit the teaching faculties in regular time scale of pay. The aforesaid communication is also placed before this Court.

5. Considering the subsequent development that the Board of Governors have already taken a decision to recruit



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teaching faculties in regular time scale of pay, thereby, the apprehension of this petitioner has been addressed by the Board of Governors, this writ petition is allowed. The impugned notification is set aside with the liberty to the respondents to issue a fresh notification as per the resolution of the Board of Governors as stated supra. No costs. Consequently, connected Miscellaneous Petitions are closed.

04.12.2024

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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