



W.A(MD) Nos.1109 of 2017 & 147 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A(MD) Nos.1109 of 2018 & 147 of 2023
and
C.M.P.(MD)No.1982 of 2023

The Secretary,
Sri Devi Kumari Women College,
Kuzhithurai Post,
Kanyakumari District.

... Appellant / 4th Respondent
in both Writ Appeals

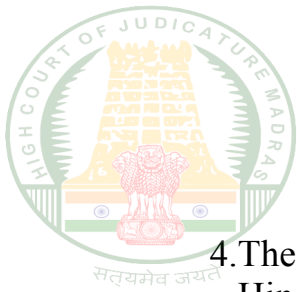
Vs.

1.V.G.Darsana

... 1st Respondent / Petitioner
in both Writ Appeal

2.The Director of Collegiate Education,
College Road,
Chennai-600 006.

3.The Joint Director Collegiate Education,
Tirunelveli Region,
1st Floor,
Sahunthala Shopping Complex,
Thiruvananthapuram Road,
Tirunelveli-627 003.



W.A(MD) Nos.1109 of 2017 & 147 of 2023

4.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai-600 034.

... Respondents 2 to 4 /
Respondents 2 to 4
in both Writ Appeals

5.Dr.C.Sree Kumar

... 5th Respondent / Impleaded
Party in M.P.No.1 of 2012
in W.A.(MD)No.1109 of 2017

Prayer in W.A.(MD)No.1109 of 2017: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 28.11.2017 passed by this Court made in W.P.(MD)No.8232 of 2010 on the file of this Court, allow the writ appeal.

Prayer in W.A.(MD)No.147 of 2023: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 17.10.2022 passed by this Court made in W.P.(MD)No.22313 of 2015 on the file of this Court, allow the writ appeal.

For Appellant : Mr.B.Saravanan
Senior Counsel
for Mr.K.Sathiyasingh

For Respondents : Mr.M.Saravana Kumar
for R1

: Mr.C.Venkatesh Kumar
Special Government Pleader
for R2 & R3



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W.A(MD) Nos.1109 of 2017 & 147 of 2023

(in both Writ Appeals) : Mr.P.Subbaraj
Special Government Pleader
for R4

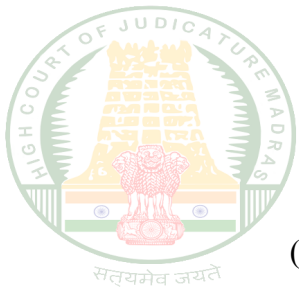
COMMON ORDER

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner V.G.Darsana was appointed on consolidated basis in the appellant college on 09.03.2006. Her services were not regularised. In the year 2015, the recruitment notification was issued by the college inviting applications from the eligible candidates for filling up the post of Lecturer (Zoology). Challenging the same, Darsana filed W.P.(MD)No.22313 of 2015. Earlier, she had filed W.P.(MD)No.8232 of 2010 seeking absorption from the date of her appointment ie., 27.01.2006. W.P.(MD)No.8232 of 2010 was disposed of on 28.11.2017 in the following terms:-

“39.For all these reasons, this Court is inclined to pass
the following order in this writ petition:



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W.A(MD) Nos.1109 of 2017 & 147 of 2023

(i) That the 4th respondent is directed to consider the request of the petitioner for absorption as Lecturer (Zoology) at the 4th respondent college by bringing her under time scale of pay, as has been done by the 4th respondent in respect of similarly placed persons by their proceedings in br/K/e/f/vz;. 3067 -2007- rp/1/ dated 17.10.2014 and further proceedings in efvz;.222-2015 dated 12.10.2015.

(ii) Such absorption shall be made by the 4th respondent with effect from 09.3.2006, from the date on which, admittedly, the petitioner had been working at the 4th respondent college.

(iii) Further, the petitioner shall not be entitled to claim any higher salary for the period from 09.3.2006, till the date of absorption;

(iv) The aforesaid exercise shall be undertaken by the 4th respondent within a period of two months from the date of receipt of a copy of this order.”

Aggrieved by the same, the college filed W.A.(MD)No.1109 of 2018.

Subsequently, W.P.(MD)No.22313 of 2015 also came to be allowed on 17.10.2022 in the following terms:-

“3.In the above said writ petition, this Court has issued a positive direction to the respondents to absorb the petitioner with effect from 09.03.2006, which is the date the petitioner was admittedly working in the 4th respondent College. However, in the said order, it was made clear that the absorption is subject to the



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W.A(MD) Nos.1109 of 2017 & 147 of 2023

outcome of writ petition in W.P.(MD)No.22313 of 2015.

4. Under this background the present petition is heard by this Court. The parties admit that the petitioner is not possessing Ph.D., or SLET or NET. In the UGC regulation, a concession is granted to the candidates who are having M.Phil., degree. The said condition is extracted here under: “NET shall remain the compulsory requirement for appointment as Lecturer for those with post-graduate degree. However, the candidates having Ph.D. degree in the concerned subject are exempted from NET for PG level and UG level teaching. The candidates having M.Phil degree in the concerned subject are exempted from NET for UG level teaching only.”

5.The University Grants Commission has categorically stated that the candidates possessing M.Phil., degree are exempted from NET for UG level teaching only. In the present case, the petitioner was appointment for UG level teaching. Therefore, the said concession is applicable to the petitioner. Subsequently, University Grants Commission has modified this concession in the year 2009. The Hon’ble Supreme Court has considered the issue whether the said concession is applicable from 2006 to 2009 and has held that the said concession is applicable for the intermediate period in P. Suseela and others Vs. University Grants Commission and others reported in 2015 (3) MLJ 734 (SC). Since the petitioner was appointed during



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W.A(MD) Nos.1109 of 2017 & 147 of 2023

that intermediate period, the said concession is applicable to the petitioner. Moreover, the notification had come into effect from the date of the notification i.e. from 14.06.2006 and the petitioner was appointed prior to the notification i.e. on 09.03.2006. Hence, this Court is of the considered opinion that the petitioner is entitled to the concession granted in the notification, dated 14.06.2006. Therefore, the respondents are directed to absorb the petitioner in the said vacancy.

6. In the order passed in W.P.(MD)No.8232 of 2010, it was held that the petitioner is not entitled to monetary benefits for the prior period. Confirming the same, this Court is also of the considered opinion that the petitioner is not entitled to any monetary benefits for the prior period but is entitled to service benefits.

7. However, the respondents submitted that they have preferred a writ appeal in W.A.(MD)No.1109 of 2018 against the order passed in W.P.(MD)No. 8232 of 2010. This submission is recorded. However independently this Court has come to the conclusion that the petitioner is eligible for absorption based on the concession granted by UGC and also based on the judgment passed by the Hon'ble Supreme Court in the case of Suseela's case stated supra."

Aggrieved by the same, W.A.(MD)No.147 of 2023 has been filed.



W.A(MD) Nos.1109 of 2017 & 147 of 2023

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3. Both the matters were taken up together. The Government had not filed any appeal questioning the orders passed by the learned single Judge. It is only the college management that has come on appeal. The appellant college is run by the HR & CE Department. Even though the writ petitioner's right appear to be rather doubtful, we are not inclined to interfere with the order passed by the learned single Judge for more reasons than one. It appears that two years prior to the writ petitioner's appointment, some six persons were appointed as lecturers on consolidated basis and their services were subsequently regularised. Secondly, there is no financial implication either for the Government or for the appellant. The learned Judge has made it clear that the writ petitioner can claim monetary benefits only from the date of her absorption. Thirdly, the long period of service put in by the writ petitioner cannot be lost sight of. The writ petitioner shall be issued with the order of absorption within a period of four weeks from the date of receipt of a copy of this order.



W.A(MD) Nos.1109 of 2017 & 147 of 2023

4. For these reasons, the orders of the learned single Judge are confirmed. The writ appeals are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
09.07.2025

rmi

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

rmi

To

1.The Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Joint Director Collegiate Education,
Tirunelveli Region,
1st Floor,
Sahunthala Shopping Complex,
Thiruvananthapuram Road,
Tirunelveli-627 003.

3.The Commissioner,
Hindu Religious and Charitable Endowments Department,
Nungambakkam,
Chennai-600 034.



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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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