

W.A(MD)Nos.1354 to 1363 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)Nos.1354 to 1363 of 2024

and

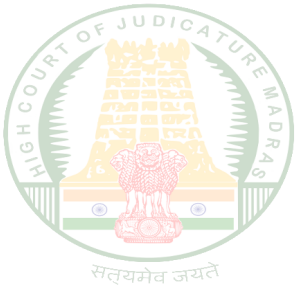
**C.M.P(MD)No.10595, 10597, 10598, 10599, 10601, 10605, 10602,
10604, 10600, 10594 of 2024**

W.A(MD)No.1354 of 2024

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli – 627 002. ... Appellants/Writ petitioners

-VS-

- 1.S.G.Pushpalatha Gracelin,
Assistant Professor,
Department of Physics,
Sarah Tucker College (Autonomous),
Palayamkottai,
Tirunelveli – 627 007 ... 1st respondent/Writ Petitioner
- 2.The Correspondent cum Secretary,
Sarah Tucker College (Autonomous),
Palayamkottai, Tirunelveli – 627 007.



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3.The Principal,
Sarah Tucker College(Autonomous),
Palayamkottai,
Tirunelveli – 627 007.
... Respondents 2 and 3/Respondents 4 & 5

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 14.12.2023 made in W.P(MD)No.29595 of 2023.

(In all W.As)
For Appellant : M/s.J.Ashok,
Additional Government Pleader

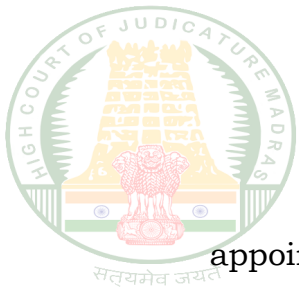
For respondents : Mr.T.Cibi Chakraborty

COMMON JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

All these ten writ appeals are frivolous appeals arising out of the atrocious game played by the State of Tamil Nadu on its citizens.

2. The petitioners in the writ petitions were appointed as Assistant Professors after obtaining permission from the authority concerned. Though the appointments were made as early as in the year 2009, the third appellant namely, the Joint Director of Collegiate Education, Tirunelveli Region, Tirunelveli, finally approved the



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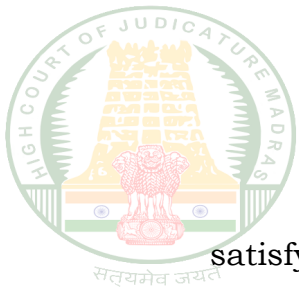
appointment by order dated 11.03.2020 with effect from 17.06.2009.

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However, the very next day, on 12.03.2020 for the reasons best known to the authorities, the approvals were recalled. The orders recalling approvals were challenged in W.P(MD)No.7642 of 2020 and other cases.

3. While the writ petitions were pending, the second appellant namely the Director of Collegiate Education, Chennai, cancelled the orders of the third appellant recalling the approval and reaffirmed the orders of the approval passed by the third appellant, dated 11.03.2020. Recording the said orders, the writ petitions came be disposed of by the writ Court on 26.07.2021 with a direction to the College to re-submit the proposal for disbursement of salary. Even after orders were passed directing disbursement of salary within four weeks, the salary was not disbursed. Ultimately, the writ petitioners were granted monthly salary only from July, 2022.

4. This forced the writ petitioners in all the writ petitions to approach this Court seeking disbursement of salary from 17.06.2009 till June, 2022 with all attendant benefits. A novel plea was made by the learned Government Advocate before the learned single Judge saying that the funds which they are receiving are sufficient only to



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satisfy the salary of the Professors and therefore, they are unable to pay the arrears and they are awaiting a special grant. As and when the special grant is received from the Government, the arrears of salary would be disbursed by the authorities.

5. We are surprised that such a plea is being taken by the government. Assistant Professors have been appointed in the year 2009. Their appointments have been approved even as early as on 11.03.2020 and an attempt was made to cancel the approval and put up a stage managed show to deny salary. At the intervention of this Court the cancellation of approvals were recalled. Even after that, the Department did not pay the salary of the writ petitioners.

6. All that the learned single Judge has done is only to direct payment of salary for the period during which the respective writ petitioners had worked in approved posts of Assistant Professors.

7. Therefore, we do not see any reason to interfere with the orders of the learned single Judge. All these appeals are dismissed with exemplary costs of Rs.50,000/- (Rupees Fifty Thousand Only) in each appeal. Out of the said sum, Rs.25,000/- (Rupees Twenty Five Thousand Only), shall be paid to the writ petitioner in each case and



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the remaining Rs.25,000/- (Rupees Twenty Five Thousand Only) in

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each case, shall be paid to CANCARE Foundation, 3A, Ramaniyam

Saras, 39/17, Gandhinagar 4th main road, Adayar, Chennai-600020.

We hope that this order will at least serve as a deterrent and the

Government will avoid filing such writ appeals at least in future. It is

open to the Government to recover the cost from the Officers who are

responsible for filing of these writ appeals. No Costs. Consequently,

connected Miscellaneous Petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

13.08.2024

NCC :Yes/No

Index :Yes/No

Internet :Yes

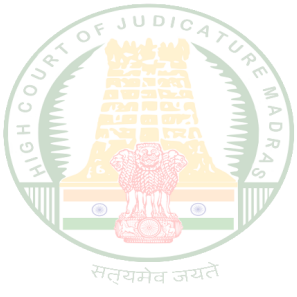
PM

To:

1.The Secretary,
State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai – 600 009.

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

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli – 627 002.



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R.SUBRAMANIAN, J.
and
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pm

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