
(2014) 09 MAD CK 0129

In the Madras High Court

Case No : W.P. (MD) Nos. 3151 and 3152 of 2009

G. Subramanian

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 18-09-2014

Acts Referred:

Citation : (2014) 09 MAD CK 0129

Hon'ble Judges : S. Nagamuthu, J

Bench : Single Bench

Judgement

S. Nagamuthu, J.—Since common issues are involved in both the writ petitions, they were heard together and disposed of by means of this common order.

2. The fourth respondent in both the writ petitions is Thiru. S. Ramasamy Naidu Memorial College, Sattur, Virudhunagar District, is an aided linguistic minority College. As a matter of fact, the said College was declared as linguistic minority College only in the year 2007 by order dated 16.07.2007. Prior to 29.06.1993, in the department of Computer Science, there were two posts of Lecturer sanctioned by the Government for the said College. One Mr. Dhanapalan was appointed as a Lecturer as against the first vacancy followed by the appointment of one Krishnaveni as against the 2nd vacancy. On 29.06.1993, on considering the request made by the respondent College, the 2nd respondent/Director of Collegiate Education sanctioned two more posts of Lecturer in the department of Computer Science for the 4th respondent College. The petitioner had already been appointed on contract basis by the College on 21.01.1991 as a Lecturer (not against any sanctioned post). On 26.09.1992, the petitioner had met with an accident and had suffered 52% of disability. After the above two posts were sanctioned by the Directorate of Collegiate Education, on 17.01.1994, the petitioner submitted an application to the College seeking appointment as against 3% of vacancy reserved for physically disabled person as per G.O. Ms. No. 99, Personnel and Administrative Reforms Department dated 26.02.1988. The College, on principle, accepted the said request and submitted a proposal to

the Joint Director of Collegiate Education seeking permission to appoint the petitioner under the said category as against one of the vacancies sanctioned on 29.06.1993. But the Joint Director refused permission because the said sanctioned vacancy was earmarked for Most Backward Class category, whereas the petitioner belongs to Backward Class. At this juncture, it is to be mentioned that until the College was declared as linguistic minority in the year 2007, the College was governed by the Tamil Nadu Recognized Private Colleges Regulation Act, 1976, and the Rules of reservation were made applicable to the College. After such refusal of permission by the Joint Director, the College took up the selection process to fill up the said vacancy. The another post, which was sanctioned on 29.06.1993, was filled up in the year 1993 itself by appointing one Mr. Arunesh. Thus, as against the last vacancy, the College called for list of eligible candidates from the Tamil Nadu State Professional and Executive Employment Office, at Madras. The petitioner's name was so sponsored along with others. The College conducted interview on 06.04.1996 and selected the petitioner for appointment to the said post. Accordingly, as against the post (earmarked for Most Backward Class), the petitioner was appointed with effect from 08.04.1996 though he belongs to Backward class.

3. So far as the qualification of the petitioner for the said post of Lecturer is concerned, Madurai Kamaraj University is the competent authority to approve his qualification as per the UGC Regulations. Thus, after his appointment on 08.04.1996, the College submitted a proposal on 10.04.1996 to the Madurai Kamaraj University for approval of the qualification of the petitioner. Accordingly, the Madurai Kamaraj University, after having considered the qualification of the petitioner, approved the same by order dated 16.10.1996 holding that the petitioner is qualified for being appointed as Lecturer in the Department of Computer Science.

4. Though the petitioner was appointed as early as on 08.04.1996 and though his qualification was approved by the Madurai Kamaraj University on 16.10.1996, for the reason best known to the College, the College did not submit the proposal to the Directorate of Collegiate Education for approval of the appointment. Such proposal was submitted by the College to the Joint Director only on 24.01.2000. The Joint Director, on noticing the fact that the College had filled up the vacancy earmarked for Most Backward Class candidate by appointing the petitioner, who belongs to Backward Class, submitted a proposal to the Director of Collegiate Education to ratify the same. The Director, in turn, requested the Government by letter dated 01.08.2001 seeking ratification from the Government. In the said proposal, the Director had mentioned the date of appointment of the petitioner, erroneously as 09.09.1999 instead of 08.04.1996. The State Government, instead of ratifying the act of the College, rejected the proposal on the premise that the petitioner did not fulfil the required qualification as per Anna University norms i.e. NET/SLET and informed the same to the Director. This order was passed by the Government on 21.12.2001. The Director of Collegiate Education, in turn, returned the proposal to the College stating the same reason by letter

dated 17.01.2002.

5. Having received the same, the College noticed that in the proposal submitted to the Government, the date of appointment of the petitioner had mentioned as 09.09.1999 instead of 08.04.1996, again submitted a proposal to the Director explaining to him that as on the date of his appointment, namely, 08.04.1996, NET/SLET qualification had not been prescribed and thus, on 08.04.1996, the petitioner was fully qualified for being appointed as Lecturer. It was also underlined that as per the then existing Rules, Madurai Kamaraj University had approved the qualification as early as on 16.10.1996 itself.

6. The Director of Collegiate Education, in turn, by letter dated 31.12.2004 had called for report from Madurai Kamaraj University regarding the petitioner's qualification. While so, on 23.02.2004, the Director of Collegiate Education informed the joint director that the Government had reconsidered the matter and rejected the approval for the reason that the petitioner did not possess the qualification prescribed by the University Grants Commission. The Madurai Kamaraj University by letter dated 14.03.2005, in turn, gave clarification that the petitioner was fully eligible for appointed as a Lecturer as on 08.04.1996.

7. While this exchange of letters were going on from one Department to another, the petitioner's condition worsened due to the injury sustained in the accident on 26.09.1992. He was hospitalised, where his left leg, below knee, was amputated on 03.07.2007. But the controversy regarding the said vacancy was still on the move.

8. While so, on 26.07.2007, the Director permitted the College to fill up the above said vacancy over which, the controversy was going on. On 03.08.2007, the College made paper publication calling for application to fill up the said post and accordingly on 16.08.2007, the 5th respondent Mr. A. Rajesh Kanna was appointed. Thus, as on 16.08.2007 all the four posts stood filled up.

9. On 28.08.2007, after returning from the hospital, when the petitioner went to the College to join duty, he was not permitted by the Management. Therefore, he filed an appeal to the 2nd respondent, namely, the Director of Collegiate Education questioning the appointment of Mr. Rajesh Kanna against the vacancy, against which, the petitioner had already been appointed. The said appeal was not considered on time by the Director and therefore, the petitioner had to file a writ petition in W.P. (MD) No. 33025 of 2007 before this Court. By order dated 12.10.2007, this Court issued a direction to the 2nd respondent/Director to consider the said appeal within a period of six weeks, after affording sufficient opportunity to the petitioner, the College and Mr. A. Rajesh Kanna. In pursuance of the said direction, the Director conducted enquiry on 27.12.2007, but did not pass any order. Therefore, the petitioner filed a contempt petition in CP No. 687 of 2008 before the Principal Bench of this Court. During the hearing of the said contempt petition, this Court was informed that on 08.04.2008 itself, the joint director had approved the appointment of Mr. A. Rajesh Kanna (5th respondent).

On 11.08.2008, the Director while rejected the appeal filed by the petitioner in pursuance of the order passed by this Court in the earlier writ petition, and he confirmed the approval of the appointment of the 5th respondent A. Rajesh Kanna.

10. However, in addition to the same, in the said order, dated 11.08.2008, the Director had permitted to convert one post of Lecturer in the Department of Commerce, which was found surplus to the Department of Computer Science and to appoint the petitioner as against the said vacancy. Thus, the said vacancy was against the 5th post. But, unfortunately for the petitioner, on 14.06.2006, the qualification for appointment had been prescribed by University Grants Commission prescribing NET/SLET as required qualification. Therefore, the petitioner could not be appointed as against the said converted post in the year 2008. The petitioner thereafter made a representation on 07.11.2008 to the College to take steps to get his appointment approved with effect from the date of his original appointment.

11. At that juncture, the petitioner filed the present writ petition in W.P. (MD) No. 3151 of 2009 challenging the appointment of the 5th respondent/A. Rajesh Khanna against the vacancy, against which, the petitioner had already been appointed and also seeking further direction to the Joint Director and Director of Collegiate Education to approve his appointment with effect from his original date of appointment.

12. The petitioner then filed W.P. No. 3152 of 2009 challenging the refusal of the Director of Collegiate Education to approve the appointment of the petitioner under order dated 17.01.2002 and 23.02.2004. That is how, these two writ petitions are before this Court for disposal.

13. According to the petitioner, since the College had been declared as a Minority Institution, as per the judgment of the Hon'ble Supreme Court in N. Ammad Vs. The Manager, Emjay High School and Others, , it should be construed that the College is a minority College from the date of its very inception. In other words, the date of the order declaring the College as a minority institution is immaterial. The minority status will be enjoyed by the College from the date of establishment. Therefore, according to the petitioner, in this case, though in the year 1993, when the post in question was sanctioned, it was earmarked for Most Backward Class, in view of the subsequent declaration made that the College is a Minority College, the rules of reservation were not applicable.

14. The learned counsel for the petitioner, would therefore, submit that the appointment of the petitioner as against the said vacancy cannot be disapproved on the ground that the petitioner, who belongs to Backward Class was appointed as against the vacancy, which was earmarked for Most Backward Class.

15. Nextly, it is pointed by the petitioner that the rejection of the proposal of the approval of the petitioner was not on the ground that the petitioner was appointed against the rules of reservation. But it was on the ground that the

petitioner did not have required qualification for appointment as Lecturer. It is pointed out by the petitioner that as on 08.04.1996, when he was appointed as a Lecturer by the College, he possessed the required qualification, as per the UGC then existing norms. But when the Director passed the order rejecting the proposal, the University Grants Commission had prescribed a higher qualification by which, the petitioner had not been found fit for the post. Therefore, according to the petitioner, the crucial date, which should have been taken into account, is the date of original appointment of the petitioner on 08.04.1996, on which date, the petitioner had all required qualifications.

16. The learned counsel would point out that this mistake occurred because the date of appointment had been erroneously mentioned as 09.09.1999 instead of 08.04.1996 in the proposal submitted by the Director to the Government. Therefore, it is contended by the petitioner that since on 08.04.1996, the petitioner fulfilled all the required qualifications, his appointment should have been approved by the Joint Director. For these reasons, according to the petitioner, his appointment should be ordered to be approved from 08.04.1996.

17. In the counter filed by the 4th respondent College, these facts narrated by the petitioner have not been disputed. It is only stated that after March 2008, the petitioner had not turned up for employment and he has abandoned on his own volition. It is also contended that the appointment of the 5th respondent is perfectly valid, as the same was made as against the existing vacancy, after getting permission from the Joint Director of Collegiate Education and so the petitioner cannot have any grievance. In the counter, it is further stated that Mr. Dhanapalan, who was appointed as against the sanctioned vacancy in the year 1993, died as early as on 01.09.2011 and that vacancy is still kept vacant. It is also stated that because of the interim order passed by this Court, one post of lecturer in the Department of Commerce is kept vacant.

18. The third respondent has filed a detailed counter, wherein, the above factual aspects have not been disputed. In the said counter, in paragraph No. 4, it is admitted that the date of appointment of the petitioner was mistakenly mentioned in the proposal as 09.09.1999 instead of 08.04.1996. It is further stated in the counter that the petitioner was not qualified for being appointed as a Lecturer, since according to the University Grants Commission norms, the required qualification is that a candidate must be a Post Graduate with a minimum of 55% of marks and a pass in UGC/NET/SLET or P.G. With 55% of marks with M. Phil or Ph.D., in the subject. Since the petitioner had only Post Graduate Degree in Physics as on the date of his appointment and not in Computer Science, he is not qualified. It is further contended that the appointment of the petitioner was thus found to be not in order and therefore, the same was rejected. It is also stated that the petitioner's appointment was not approved for yet another reason, namely, the post earmarked for Most Backward Class was filled up by appointing the petitioner, who belongs to Backward class. It is also contended that the appointment of the 5th respondent

is in order and therefore, the same was approved.

19. The 5th respondent has filed a separate counter, where he has justified his appointment and the consequential approval given by the Joint Director.

20. I have heard the learned counsel on either side and also perused the records carefully.

21. Though the narration of facts made herein before may give an initial impression that the issues involved in this case are so complicated, in fact, it is not so. The issues are as simple, as it could be so as to be resolved by this Court with ease.

22. As on 29.06.1992, the college had 4 sanctioned posts of Lecturers in the Department of Computer Science. One Dhanapalan and Krishnaveni were already working having been duly appointed. One Arunesh was also appointed in the year 1993. The whole controversy now is against the 4th vacancy.

23. Admittedly, this post was originally earmarked for Most Backward Class. It is also the admitted case that the College was declared as a Minority Institution by order dated 16.07.2007. But as per the judgment of the Supreme Court in N. Amma's Case, cited supra, the date of declaration that the College is a minority Institution is immaterial, because such declaration will have retrospective from the date of its establishment. Therefore, though the rules of reservation were made applicable until the formal declaration that the College is a minority Institution was made, in 2007, it should be held that the rules of reservation were not applicable from the date of the sanction of the post. Therefore, the contention that the post was earmarked for Most Backward Class whereas the petitioner, who belongs to Backward Class was appointed as against the said post, therefore, the said appointment is not legal, is no more available for the respondents to raise. It also needs to be mentioned that the proposal for approval of the petitioner was not rejected on the ground that the petitioner, who belongs to Backward Class was appointed as against the post earmarked for Most Backward Class. As a matter of fact, after the appointment of the petitioner when proposal was submitted to the Joint Director and then to the Director, the Director wanted to get ratification from the Government thereby ratifying the appointment of the petitioner, who belongs to Backward Class as against the vacancy, which had been earmarked for Most Backward Class. But the Government, instead of considering this issue had travelled in the wrong direction and had rejected the proposal on the ground that the petitioner did not possess the required qualification as on the date of order. In view of this position, in my considered opinion, it is not available for the respondents at this length of time to contend that the appointment of the petitioner as Lecturer cannot be approved because the post was earmarked for Most Backward Class, whereas the petitioner belongs to Backward Class. Irrespective of the said fact, in view of the declaration made by the Department declaring the College as a minority institution, which according to the judgment of the Supreme Court has taken

effect from the date of establishment of the College, the appointment of the petitioner is valid and the proposal cannot be rejected on the ground of the rules of reservation.

24. Now, turning to the qualification of the petitioner, it is nobodies case that the petitioner did not have the required qualification on the date of his appointment as per the UGC norms, as it had been prescribed earlier. It is the admitted case that on 08.04.1996, the petitioner was fully qualified for being appointed as a Lecturer in the Department of Computer Science. It is true that the petitioner is not a Post Graduate in Computer Science and he is a Post graduate only in Physics. But as per the University Grants Commission norms, which existed as on 08.04.1996, it was not prescribed that one should have Post Graduate degree in the same subject so far as the post of Computer Science Lecturer is concerned.

25. The Government was requested by the Director to ratify the appointment of the petitioner only by relaxing the rules of reservation, because the post was earmarked for Most Backward Class. But instead of doing that, as I have already pointed out, the Government rejected the proposal as a wrong premise. In fact, the proposal for appointment should have been either approved or rejected only by the Joint Director, who is the competent authority. It is strange to note that in this case, the Government had taken the job of the Joint Director and rejected the proposal for approval of the petitioner. The Government also did not notice that the competent authority, namely, the Madurai Kamaraj University had as early as on 16.10.1996 itself had approved the qualification of the petitioner thereby holding that he was fully eligible for being appointed as a Lecturer in the Computer Science. When the competent authority had so approved the qualification of the petitioner, neither the Joint Director nor the Director or the Government had any authority to hold that the petitioner was not qualified for being appointed as Lecturer as on 08.04.1996. Therefore, I hold that as on 08.04.1996, the petitioner was fully qualified for being appointed as a lecturer in the Department of Computer Science and therefore, his appointment should have been approved by the Government. In this regard, the learned counsel for the petitioner has relied on a judgment of this Court in *S. Mohamood Basha Vs. The Director of Collegiate Education, Madras and Others*, and another judgment in *S.N. Esmail Middle School, Ramanathapuram District vs. Director of Elementary School Education, Chennai and others* reported in (2007) 6 MLJ 1371, wherein this Court has held that University alone can decide the qualification required to be possessed by a person to be appointed as lecturer in the aided college and the Government order withholding the approval on the ground that the Lecturer had not studied Tamil or taken test prescribed for Government servant under the rules applicable to Government servant is on extraneous ground. Thus, this Court had held that once it is so declared by the competent authority, namely, the University that the candidate in question has the required qualification for appointment as Lecturer, it is not available for the Education Department to hold that he is not qualified for appointment. As a matter of fact, in *S.N. Esmail Middle School* referred to above, this Court, again following the judgment of the

Supreme Court, has held that the declaration made by the Government that the School is a Minority Institution is only an open acceptance of a legal character, which should necessarily have existed antecedent to such declaration and the said institution need not follow communal roster. Therefore, as per the above settled law, so far as the appointment of the petitioner is concerned, since the Madurai Kamaraj University had declared him as qualified for being appointed as Lecturer in Computer Science and since the College is a minority College declared by the Government from the date of establishment, the appointment of the petitioner as Lecturer as on 08.04.1996 is perfectly valid and the same should be approved by the Education Department.

26. Now, there is yet another difficulty, because of the appointment of the 5th respondent as against the above said vacancy. As I have already pointed out, when there were lot of exchange of communication from one Department to another and when the petitioner was also repeatedly making representations, including a legal battle, the Joint Director had given permission to the College to fill up the said vacancy on 26.07.2007 and Mr. A. Rajesh Khanna, the 5th respondent was appointed on 16.08.2007. Thus, as of now there remains no more vacancy. The appointment of Mr. Rajesh Khanna is very seriously challenged in this writ petition. In my considered opinion, though I hold that the petitioner's appointment with effect from 08.04.1996 should be approved, going by facts and circumstances of the case and the fact that the 5th respondent has been working as a Lecturer from 16.08.2007, I do not wish to disturb him at this length of time. As a matter of fact, even the college does not want to disturb him at this length of time. His interest should also be safeguarded while ordering approval of the petitioner's appointment with effect from 08.04.1996. The device is very simple. As I have already pointed out, with effect from 11.08.2008, one post of Lecturer for the Department of Commerce was found surplus by the 2nd respondent and the same was converted as a Lecturer to the Department of Computer Science. This post stands vacant from 11.08.2008. Therefore, in my considered opinion, as against this vacancy, which has been caused on 11.08.2008, which remains still vacant, the 5th respondent Mr. Rajesh Khanna can be accommodated. But, the learned counsel for the 5th respondent is not agreeable for this arrangement. This is really regrettable. This Court would have simply issued a direction to the Department to approve the appointment of the petitioner from 08.04.1996, in which case, the 5th respondent should be sent out of service, because, as a corollary, I have to set aside the appointment of the 5th respondent. Only as a measure of compassion, in order to protect his interest, I wish to issue a direction to the respondents to accommodate him as against the vacancy, which was caused on 11.08.2008 on the conversion of the post of Lecturer from the Department of Commerce to the Department of Computer Science. I do not understand the logic behind the objection by the 5th respondent for this compassion, which is shown by this Court. Though the 5th respondent is not readily agreeable for this compassionate arrangement, this Court still does not want to give up the compassion towards the 5th respondent.

After all this Court is for doing justice and to minimise the hardship for the people. Therefore, I do not want to set aside the appointment of the 5th respondent and the consequential approval given by the Joint Director, instead, I intend to issue a direction to the Education Department and the College to accommodate the petitioner as against the vacancy, which was caused from 11.08.2008, by modifying the order of approval.

27. While issuing the above direction, the Court has to look into the further difficulty in the matter. Admittedly, the petitioner was working from 08.04.1996 to 16.08.2007. For this period, the petitioner is entitled for back wages, which the Government has to pay. It is not as though the petitioner was not working during this period and it is not as though work was not extracted from him. The fact remains that he effectively worked as a Lecturer in the Department of Computer Science from 10.04.1996 to 16.08.2007 and since I issue a direction for approval of his appointment from 08.04.1996, the official respondents shall pay the arrears of salary for the petitioner from 08.04.1996 to 16.08.2007.

28. Though the 5th respondent's appointment should be approved and he should be accommodated with effect from 11.08.2008, the salary paid to him between 16.08.2007 to 11.08.2008 shall not be recovered because during this period work was extracted from him as a Lecturer in the Department of Commerce. But for all purposes, the date of appointment of the 5th respondent shall be treated only as 11.08.2008 and not as 16.08.2007. Accordingly, his seniority and pay scale shall all be fixed from 11.08.2008. I only give the concession that the salary paid between 16.08.2007 to 11.08.2008 shall not be recovered by the Government from the 5th respondent.

29. Between 16.08.2007 to 30.09.2014, since the petitioner has not actually worked, though the salary and all other benefits will be counted for this period notionally, he will not be paid all the monetary benefits for this period. In other words, his past salary from 16.08.2007 to 30.09.2014 shall be notionally calculated for the purpose of fixing his future salary and the actual arrears shall be paid to the petitioner.

30. The respondent College shall issue a consequential order permitting the petitioner to join duty within a period of two weeks from the date of receipt of a copy of this order and thereafter, the proposal already submitted by the College appointing the petitioner from 08.04.1996 shall be approved by the Joint Director of Collegiate Education approving the appointment of the petitioner from 08.04.1996 and it shall be treated that he has been continuously working from 08.04.1996 without any break. I only clarify that though I direct that the petitioner's pay scale and other benefits shall be notionally calculated between 16.08.2007 till 30.09.2014, the said period shall not be treated as a break in service period.

31. The learned counsel for the College would submit that after the demise of Mr. Dhanapalan, the erstwhile Lecturer in the department of Computer Science, the

said post also still remains vacant. He would submit that going by the strength of the students in the Department of Computer Science, this post is not required by the said Department, instead, according to him, going by the strength of the students in the Department of Commerce, the College is in need of grant of one more post of Lecturer in the Department of Commerce. Therefore, according to him, the Director of collegiate Education may be directed to convert the said post, which remains vacant on account of the demise of Mr. Dhanapalan to the Department of Commerce and with the permission to fill up the said post by appointing a Lecturer in the Department of Commerce.

32. In my considered opinion, it is not possible for this Court to straight away issue such a direction, because there are so many factual aspects, which are to be considered by the competent authority, namely, the Director of Collegiate Education. If the College feels that the said post, which remains vacant on account of the demise of Mr. Dhanapalan is surplus and the same is required in the Department of Commerce, seeking conversion of the said post, it will be open for the college to make necessary proposal to the Director of Collegiate Education and if any such proposal is made, I am sure that the Director of Collegiate Education shall consider the same strictly in accordance with law and by following the norms prescribed by the Government and pass appropriate orders. Except making this observation, I am unable to give any positive direction in this regard to the respondents.

33. In the result, both the writ petitions are disposed of in the following terms:

i. The order declining approval of the appointment of the petitioner with effect from 08.04.1996 passed by the Government followed by the Joint Director of Collegiate Education is hereby set aside. The official respondents are directed to approve the appointment of the petitioner as Lecturer in the Department of Computer Science with effect from 08.04.1996. Such consequential order shall be issued within a period of four weeks from the date of receipt of a copy of this order.

ii. It is directed that the Education Department shall pay salary arrears for the petitioner for the period between 08.04.1996 to 16.08.2007. The said exercise shall be completed within a period of six months from the date of receipt of a copy of this order;

iii. It is further directed that the service of the petitioner shall be treated as continuous from 08.04.1996 till 30.09.2014 without any break. It is further clarified that the period between 16.08.2007 till the date of reporting for duty as per direction No. 1, shall be treated as a duty period and the same shall not be treated as a break in service period.

iv. It is further directed that for the period between 16.08.2007 and the date of reporting for duty as per direction No. 1, the pay scale and other monetary benefits of the petitioner shall be notionally calculated for the purpose of fixing the future salary and for this period, the petitioner shall not be entitled for

arrears of salary and other monetary benefits.

v. The appointment of the 5th respondent shall be approved with effect from 11.08.2008 and the official respondents shall pass consequential order modifying the earlier order of approval thereby approving his appointment from 11.08.2008.

vi. It is further directed that though the appointment of the 5th respondent shall take effect from 11.08.2008, the salary and other monetary benefits already paid to the 5th respondent from 16.08.2007 till 11.08.2008 shall not be recovered from him;

vii. It is directed that the seniority of the petitioner shall be fixed with effect from 08.04.1996 whereas the seniority of the 5th respondent shall be fixed with effect from 11.08.2008;

viii. The respondent College is at liberty to submit a proposal to the Education Department for conversion of the post of Lecturer in the Department of Computer Science, which remains vacant on account of the demise of Mr. Dhanapalan to the Department of Commerce. If any such proposal is submitted, I am hopeful that Education Department shall consider the same in accordance with the rules and norms prescribed for the said purpose;

ix. The interim orders passed earlier in these writ petitions shall stand hereby vacated;

x. If any amount has been paid from and out of the Management funds to the petitioner towards his salary, the same shall be repaid by the petitioner to the Management, after arrears are paid by the Government to him.

No costs. Consequently connected Miscellaneous Petitions are closed.