

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1/9/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.A. No.1264 of 2015

and

M.P. No.1 of 2015

1. The State of Tamil Nadu
rep. By its Secretary
Department of Higher Education
Fort St. George
Chennai 600 009.
2. The Director of Collegiate Education
College Road
Chennai 6.
3. The Joint Director of Collegiate Education
Vellore Region
Vellore 6. Appellants /Respondents 1 to 3

Vs

1. The Secretary
Sacred Heart College (Autonomous)
Tirupattur 635 601
Vellore District. Ist Respondent/Petitioner
2. The Thiruvalluar University
rep. By its Registrar
Serkadu
Vellore District 635 115.2nd Respondent/4th Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 5/12/2014 passed in W.P.No.14866 of 2014.

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 proceeding issued by the third respondent/Joint Director in A.Thi.Mu.No.4023-A2-13 dated 02.01.2014, quash the same and further direct the third respondent to approve forthwith the appointment of 11 teaching staff (Name List annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f. the respective dates of their

appointments.

For appellant : Mr.K.Karthikeyan
Government Advocate

For respondents : Mr.Godson Swaminathan
for R.1

J U D G M E N T

(Judgment of the Court was made by SATISH K. AGNIHOTRI,J.,)

The instant intra-Court appeal arises from the order dated 5th December, 2014 rendered in W.P. No.14866 of 2014.

2. Questioning the legality of the communication of the Joint Director of Collegiate Education dated 2nd January, 2014, whereunder the first respondent/writ petitioner was called upon to resubmit the proposal along with the post sanction orders of the Directorate of Collegiate Education, the writ petitioner has preferred the writ petition, seeking a direction to quash the same and approve the appointment of 11 teaching staffs named therein.

3. Recording the submission of the learned counsel for the petitioner that the sanction orders have already been passed by the Director of Collegiate Education, Vellore, the learned Single Judge, has considered the other issues, which were neither raised nor taken in the dispute of the case, disposed of the writ petition holding that it is not necessary to obtain prior sanction before making recommendation for approval.

4. The learned counsel for the first respondent submits that there is a clear sanction for the appointment of 11 teaching staff for which approval has already been sought.

5. In that view of the matter, we set aside the order passed by the learned Single Judge and allowed the writ appeal, with a direction to the writ petitioner/first respondent herein to resubmit the proposal with the post sanction order of the Director of Collegiate Education. In the event, the proposal is resubmitted with the sanction orders, the authorities are directed to take a decision on merits and in accordance with law, as expeditiously as possible. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

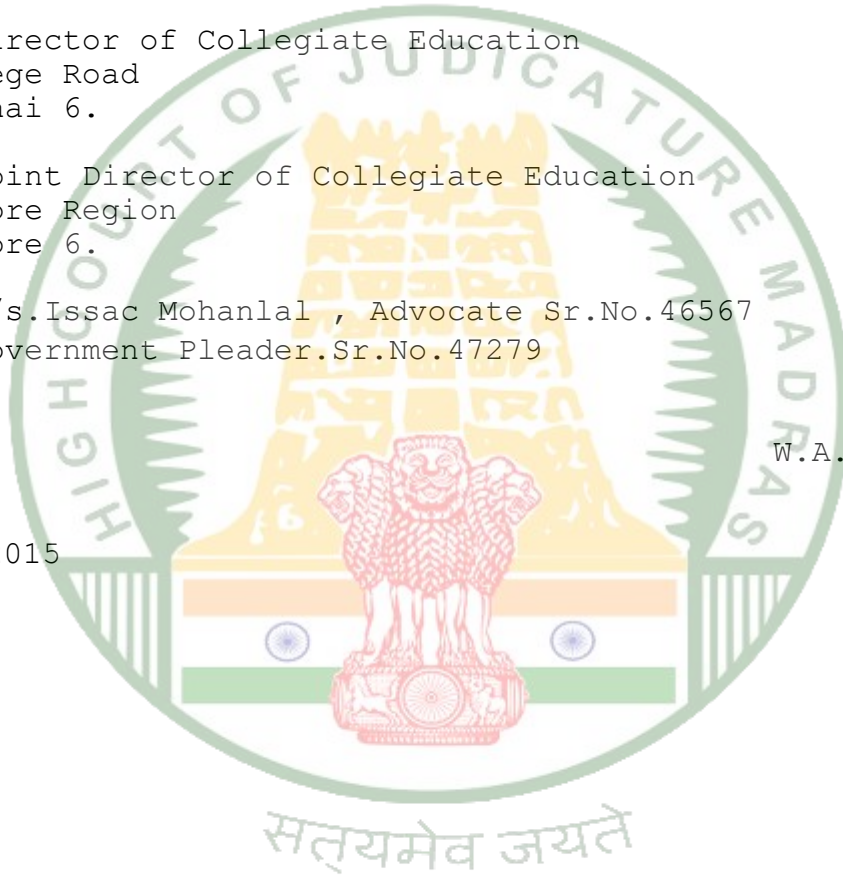
mvs.

To

1. The Registrar,
Thiruvalluvar University,
Serkadu, Vellore.
 2. The Secretary
The State of Tamil Nadu
Department of Higher Education
Fort St. George
Chennai 600 009.
 3. The Director of Collegiate Education
College Road
Chennai 6.
 4. The Joint Director of Collegiate Education
Vellore Region
Vellore 6.
- 1 cc to M/s.Issac Mohanlal , Advocate Sr.No.46567
1 cc to Government Pleader.Sr.No.47279

gp(co)
pmk.22.9.2015

W.A. No.1264 of 2015



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