

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) .No.1026 of 2015

&

MP. (MD) No.1 of 2015

S.N.Marbin Britto

... Petitioner

vs.

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
3. The Principal,
St.Jude's College,
Thoothur - 629 176.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 & 2 to consider the proposal forwarded by the 3rd respondent in Letter No.SJC/2811/C/2007 dated 15.09.2014 and to approve the appointment of the petitioner in the post of Lecturer in English in the 3rd respondent College from the date of initial appointment on 13.06.2007 with all consequential and other attendant benefits including arrears of salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For R1 & R2 : Mr.Karthikaibalan,
Government Advocate

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 & 2 to consider the proposal forwarded by the 3rd respondent in Letter No.SJC/2811/C/2007 dated 15.09.2014 and to approve the appointment of the petitioner in the post of Lecturer in English in the 3rd respondent College from the date of initial appointment on 13.06.2007 with all consequential and other attendant benefits including arrears of salary.

2. According to the Petitioner, as per the order of appointment dated 08.06.2007, he was appointed as a Lecturer (English) on 13.06.2007, in the third respondent college, in a permanent post against the vacancy arose due to the termination of one Franklin. However, no proposal was forwarded by the Management to the Department of Collegiate Education for approval of his appointment, which compelled the petitioner to continue in service without any salary from the date of his appointment. The petitioner was not permitted to attend the college to take classes with effect from 16.06.2008 by the new Management without any written order. Thereafter, based on his representation, he was reinstated in service, as Lecturer in English in the approved vacant post with effect from 18.10.2012. Subsequently, the third respondent college has forwarded a proposal for approval of appointment of the petitioner in the post of Lecturer (English) now re-designated as Assistant Professor in English and for assessment of grant vide letter No.SJC/2811/C/2007 dated 15.09.2014, which is pending without any progress till date. Hence, this writ petition.

3. Mr.G.Sankaran, learned counsel appearing for the petitioner submitted that seeking approval of the appointment of the petitioner, the third respondent forwarded a proposal vide Letter No.SJC/2811/C/2007 dated 15.09.2014 and the same is yet to be considered by the respondents till date. Hence, the learned counsel prayed for appropriate direction in this regard.

4. Mr.Karthikaibalan, Learned Government Advocate appearing for the respondents has no objection for granting such relief to the petitioner.

5. Considering the facts and circumstances of this case and having regard to the submissions made by the learned counsel on either side, without going into the merits of the case, this Court directs the first respondent to consider the proposal dated 15.09.2014 forwarded by the third respondent with regard to the approval of appointment of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. In fine, this Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

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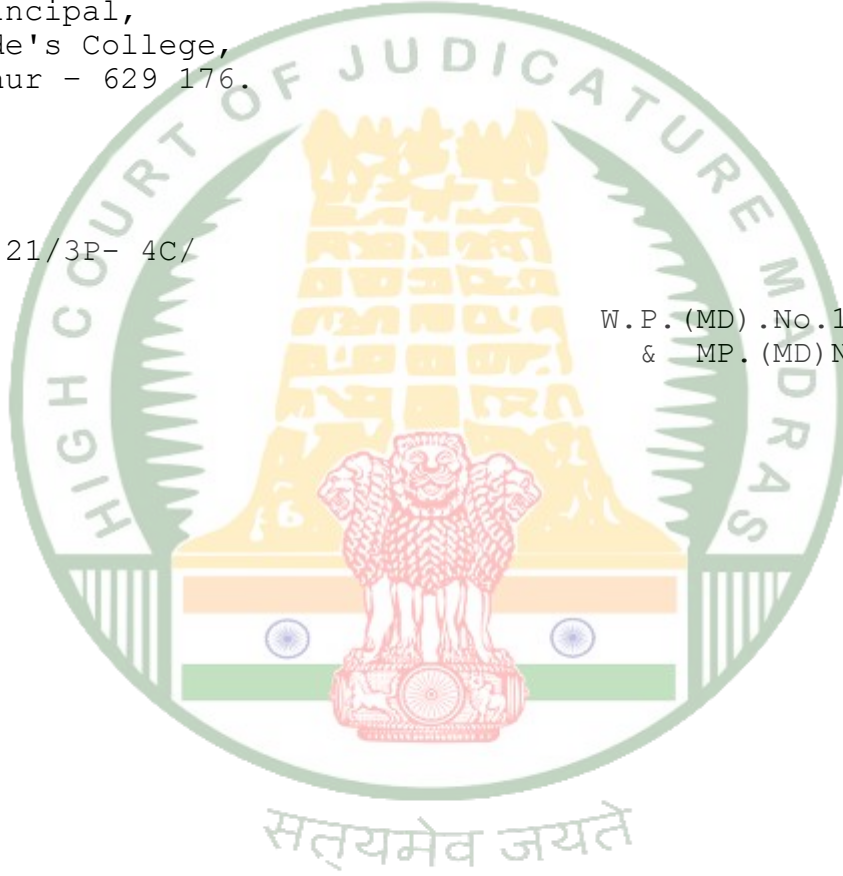
Sub Assistant Registrar

To

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
3. The Principal,
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AKM/17.04.21/3P- 4C/

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