

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.06.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.16002 OF 2015

Sheela Rathna Joy

[PETITIONER]

Vs

- 1 The Director of Collegiate Education
Nungambakkam, Chennai-6.
- 2 Manonmaniam Sundaranar University
rep. by its Registrar
Abishekapatti, Tirunelveli District 627 012.

(R2 is impleaded as per order dated 16.6.2015 made in M.P.No.1 of 2015 in W.P.16002/2015.)

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the first respondent to dispose of the representation of the petitioner dated 19.3.2015 and thereby direct the respondent to regularize service of the petitioner from the Date of initial Appointment and pay the monetary benefits with all attended benefits to the petitioner.

For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.K.V.Dhanapalan
Addl.Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner was initially appointed in the leave vacancy by an order dated 19.09.2006, as Lecturer in Chemistry at Sarah Tucker College, Tirunelveli, which is affiliated to Manonmaniam Sundaranar University. According to the petitioner, thereafter, she was regularly appointed in the vacancy from 11.08.2008. The post was also sanctioned by the Department in proceeding No.Na.K.No.26627/G3/2007 dated 26.7.2007 and the qualification of the petitioner was also approved by the second respondent in its proceedings dated 12.8.2008 with effect from 11.8.2008, the date of her appointment. The qualification approval was granted by the University as per the provisions contained under section 15 of the Tamil Nadu Private

College Regulation Act. Since the petitioner was appointed as against the sanctioned post, the Joint Director of Collegiate Education ought to have granted sanction. Since, no such grant was sanctioned, the petitioner submitted a representation dated 19.3.2015, for sanctioning the grant as the post was sanctioned by the proceedings dated 26.7.2007, as stated above and her qualification was also approved by the concerned University.

3. Since the petitioner was appointed in the sanctioned post and also possesses the required qualifications which was approved by the concerned University, I am of the view that the Regional Joint Director concerned, shall pass appropriate orders sanctioning grant to the post.

4. In these circumstances, the petitioner is permitted to make a representation to the Regional Joint Director of Collegiate Education, Tirunelveli, enclosing copy of the order passed by this Court in this Writ Petition along with the earlier representation dated 19.3.2015, addressed to the Director of Collegiate Education, seeking to sanction of grant and the Regional Joint Director of Collegiate Education, is directed to pass orders thereon, within a period of four weeks from the date of receipt of the representation.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

rpa

To

- 1 The Director of Collegiate Education
Nungambakkam, Chennai-6.
- 2 Manonmaniam Sundaranar University
rep. by its Registrar
Abishekapatti, Tirunelveli District 627 012.
3. The Regional Joint Director of Collegiate Education
Tirunelveli.

1 cc to Mr..A.R.Nixon , Advocate Sr.No.29618

1 cc to Government Pleader.Sr.No.29835

W.P.No.16002 OF 2015

gj (co)

pmk.25.6.2015