

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.20676 OF 2015

DR.J.Irene Wilsy

[PETITIONER]

Vs

- 1 Director of Collegiate Education
College Road
Chennai-600 006.
- 2 The Joint Director of College Education
Thirunelveli Region
Thirunelveli-627 007.
- 3 The Registrar
Manonmanium Sundaranar University
Thirunelveli Dist.
- 4 The Secretary
Scott Christian College Nagercoil
Kanyakumari Dist.

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the 1st Respondent herein to approve and regularize the Petitioner appointment as Lecturer in Botany in the Scott Christian College Nagercoil in the sanctioned retirement vacancy of Dr.A.Deva Shobhana Raj with effect from 15.07.2003 to 31.07.2007 in the light of approval given by the 1st Respondent to the similarly placed person Mr.D.Arul Dhas Tmt.J.Premakumari Tmt.J.Renuka Rathnavathi appointments were approved by the 1st Respondent in the proceedings Na.Ka.No.33733/F2/2005 dt. 01.09.2014 Mr.D.Deva Sampath and Mr.G.Isac Arul Dhas, appointment were approved by the first respondent in the proceedings in Na.Ka.No.19837/F2/2007 dt. 14.03.2014 based on the orders passed in WP No.17368/2005 dt.29.6.2005, W.A.Nos.140 of 2000, 811 of 2006 and 805 of 2007 common order dated 21.10.2010 and by Supreme Court order in SLP Nos.19526 - 19528 of 2013 dated 29.11.2013 with monetary and service and all other benefits for the said period.

For Petitioner : Mrs.A.V.Bharathi

For Respondents : Mr.Navaneetham - R1 to R3
Addl.Govt. Pleader

Mr.D.Sam Edwin Raj - R4

O R D E R

With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner was appointed as a Lecturer in Botany in Scott Christian college, Nagercoil, in the sanctioned post on 15.07.2003, due to retirement of one Dr.A.Deva Sobhana Raj. The qualification of the petitioner was also approved by the concerned University. The Joint Director also sanctioned the grant for the post with effect from 01.08.2007. The grievance of the petitioner is that the grant should be sanctioned from 15.07.2003 to 31.07.2007 also and the appointment of the petitioner shall be approved for the purpose of the grant from 15.07.2003 itself.

3. According to the petitioner, in the case of similarly placed persons, namely, Mr.D.Deva Sampath, Mr.G.Isac Arul Dhas, Mr.D.Arul Dhas, Tmt.J.Premakumari, Tmt.J.Renuka Rathnavathi, the appointments were approved by the Joint Director of College Education from the date of their initial appointment. In these circumstances, the petitioner made a representation dated 08.09.2014 to the Joint Director of College Education. However, no acknowledgement was filed.

4. In these circumstances, the writ petition is disposed of, permitting the petitioner to make a fresh representation to the 1st and 2nd respondents, namely, the Director and the Joint Director of College Education, seeking to approve the appointment of the petitioner for the purpose of grant from 15.07.2003, in the light of the aforesaid facts and in the light of the order dated 01.09.2014 made in W.P.Nos.36325 of 2003, 13119 of 2003 and 17368 of 2005 dated 11.12.2013 and the 1st and 2nd respondents are directed to consider the same and pass appropriate orders on the representation of the petitioner, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of the representation of the petitioner. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

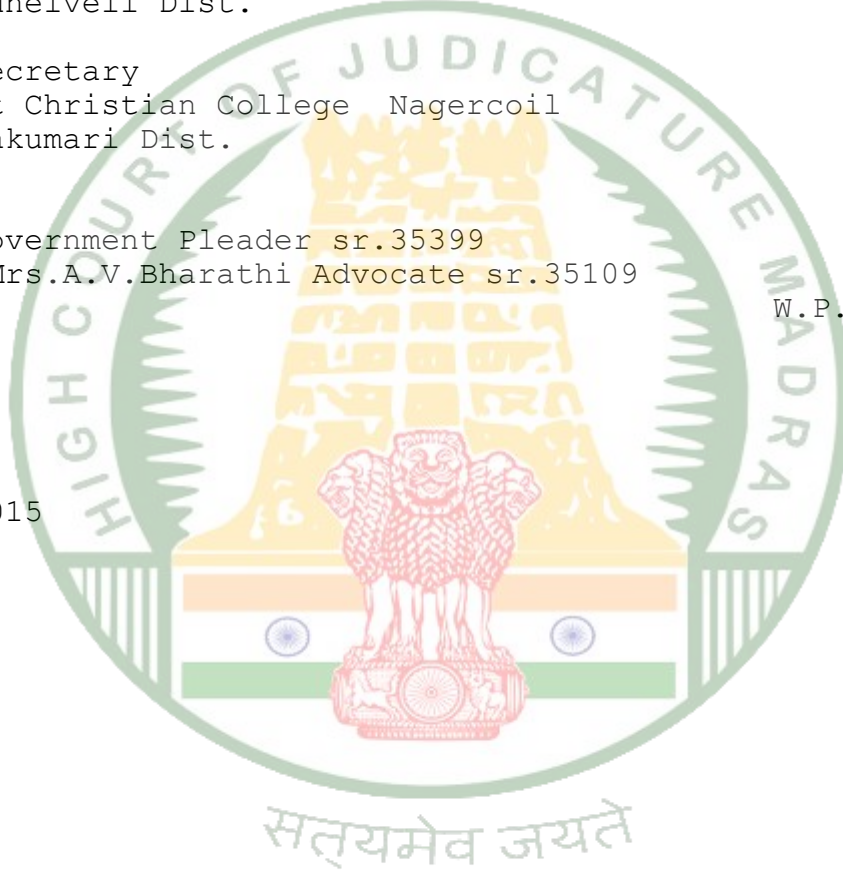
To

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+1cc to Government Pleader sr.35399
+1 cc to Mrs.A.V.Bharathi Advocate sr.35109

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