

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22189 of 2015

Dr.S.Agnes Princy

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep.by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai - 600 009,
2. Director of Collegiate Education,
College Road,
Chennai - 600 006.
3. The Joint Director of College Education,
Thirunelveli Region,
Thirunelveli - 627 007,
4. The Registrar,
Manomaniam Sundaranar University,
Thirunelveli District.
5. The Secretary,
Saral Tucker College,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 2nd respondent to approve the petitioner's appointment as Physical Education Directress in the 5th respondent Saral Tucker College, Tirunelveli, in the sanctioned retirement vacancy of Tmt.Emy Getzi Jovindaraj with effect from 15.06.2011 in the light of the approval given by the 2nd respondent to the similarly placed persons like Dr.R.Leena in the proceedings Na.Ka.No.20504/F2/2014 dated 11.11.2014, Mr.D.Arul Dhas, Tmt.J.Premakumari, Tmt.J.Renuka

Rathnavathi, in the proceedings of 2nd respondent in Na.Ka.No.33733/F2/2005 dated 01.09.2014, and Mr.D.Deva Sampath and Mr.G.Isac Arul Dhas, whose appointments were approved by the 2nd respondent in his proceedings in Na.Ka. No.19837/F2/2007 dated 14.03.2014 based on the records passed in W.P.No.17368 of 2005 dated 29.06.2005, 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 S.L.P.Nos.19526-19528 of 2013 dated 29.11.2013 with monetary and all other attendant and service benefits.

For Petitioner : Mrs.A.V.Bharathi

For Respondents : Mr.V. Jayaprakash Narayan, Spl.G.P.

ORDER

The petitioner was appointed on 15.6.2011 as a Physical Education Directress in the Saral Tucker College, Tirunelveli- the 5th respondent in a retirement vacancy and the 5th respondent is an aided educational institution.

2. The aforesaid post was already approved by the Director of Collegiate Education in the proceedings dated 28.10.1999 and the person serving in the said post retired. Hence the petitioner was appointed in the post approved by the Director of Collegiate Education. The petitioner possessed the requisite qualification for the said post. The 4th respondent - Manonmanium Sundaranar University granted approval for the qualification of the petitioner with effect from 15.6.2011 under Section 15 of Tamil Nadu Private Colleges Regulation Act on 7.4.2014. In these circumstance, according to the petitioner, respondents 2 and 3 shall accord approval for appointment of the petitioner from 15.6.2011 and to sanction grant accordingly.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. I am also of the view that if the petitioner was appointed in a regular vacancy and the petitioner possesses qualification, which is approved by the University, petitioner is entitled to approval from the date of her appointment. In fact, this Court passed various orders issuing direction to approve the appointment from the date of appointment. Such a direction was issued taking note of the fact that it could help the students.

4. Learned counsel appearing for the petitioner has brought to my notice the earlier orders of this Court dated 29.6.2005 in W.P.No.17368 of 2005, dated 21.10.2010 in W.A.Nos.140 and 811 of

2006, Order of the Apex Court dated 29.11.2013 in S.L.P.NOs.19526-19528 of 2013 and also my Order dated 29.6.2015 in W.P.Nos.11004 to 11014 of 2015, which are enclosed in the typed set of papers. In these circumstances, the petitioner made a representation dated 8.1.2015 to the respondents and she sought approval from the date of appointment in the light of the facts as stated above.

5. In the above circumstances, respondents 2 and 3 are directed to consider the representation of the petitioner dated 8.1.2015 in the light of the facts stated above and also the judgments referred to above and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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 - 600 006.
3. The Joint Director of College Education,
Thirunelveli Region,
Thirunelveli - 627 007,
4. The Registrar,
Manomaniam Sundaranar University,
Thirunelveli District.

5. The Secretary,
Saral Tucker College,
Tirunelveli District.

1 CC to M/s. A.V. Bharathi, Advocate SR.No. 37518

1 CC to the Government Pleader, SR.No. 37518

W.P.No.22189 of 2015

PPA (CO)
PSI (03.08.2015)



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