

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 6.2.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P.No.6666 of 2013

S.R.Arulraja Selvan

... Petitioner

versus

1.The State of Tamil Nadu,
rep. By its Secretary,
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,
Tirunelveli Region,
Tirunelveli 627 002.

4.The Nesamony Memorial Christian College,
Rep. By its Correspondent and Secretary,
Marthandam,
Kanyakumari District 629 165 ... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to approve the appointment of the petitioner as Assistant Professor in History in the 4th respondent College, with effect from 8.10.2011 with all monetary benefits.

For petitioner Mr.N.Rajan

For respondents 1 to 3 Mr.P.Sanjai Gandhi, A.G.P.

For 4th respondent Mr.Issac Mohanlal

O R D E R

The petitioner was appointed as Assistant Professor in History by the 4th respondent against a vacancy caused by the retirement of Thiru.C.Selvaraj. The order of appointment was issued on 8 October 2011. The petitioner joined service on 8 October 2011 itself. Since the appointment was made against a sanctioned post, the 4th respondent submitted a proposal on 30 April 2012 to the third respondent. The proposal was returned by the third respondent vide letter dated 25 May 2012. The 4th respondent resubmitted the proposal on 18 June 2012 with all the required particulars. However, there was no follow up action taken by respondents 2 and 3. The petitioner is therefore before this Court.

2. The learned counsel for the petitioner by placing reliance on a judgment of this Court dated 5 March 2012, in W.A.No.2345/2011, contended that this Court has made the legal position very clear that in case appointment was made against a sanctioned post, Education Department has no other go than to approve such appointments. The learned counsel wanted a similar order to be passed in the case of the petitioner.

3. I have also heard the learned Additional Government Pleader appearing on behalf of respondents 1 to 3.

4. The 3rd respondent is directed to forward the proposal given by the 4th respondent for approval of appointment of the petitioner. The 2nd respondent is directed to consider and dispose of the proposal for appointment of the petitioner, on merits and in accordance with law, and in the light of the view expressed by this Court in its judgment dated 5 March 2012 in W.A.No.2345 of 2011. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.No.1/2013 is closed.

Sd/-

Assistant Registrar

/ True copy /

Sub Assistant Registrar

tar

To

1.The Secretary,
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,
Tirunelveli Region,
Tirunelveli 627 002.

4.The Correspondent and Secretary,
Nesamony Memorial Christian College,
Marthandam,
Kanyakumari District 629 165

+1 cc Mr.N.Rajan, Advocate SR No.6542

+1 cc M/s.Isaac Mohanlal, Advocate SR No.6450

+1 cc to the Government Pleader, High Court, Madrs SR.No.6653

W.P.No.6666 of 2013

CTK (CO)
JK 21/02/15

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