

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.12814 to 12816 of 2016

Dr.S.Nazeer Khan	..	Petitioner in W.P.No.12814 of 2016
Mr.P.Kamal Raj	..	Petitioner in W.P.No.12815 of 2016
Dr.M.Peer Mohamed	..	Petitioner in W.P.No.12816 of 2016

-vs-

1. The Director of Collegiate Education
College Road
Chennai 600 006
2. The Joint Director of College Education
Madurai Region
Madurai
3. The Secretary
Dr.Zakir Husain College
Ilayangudi
Sivagangai District 630 702 ... Respondents 1 to 3 in all the
W.Ps.

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to approve and regularize the petitioners' appointments as Assistant Professor in Commerce, Botany and Zoology respectively in the third respondent Dr.Zakir Husain College, Ilayangudi, in the sanctioned retirement vacancies of Mr.V.Kamarudeen, Dr.E.Rajabudeen and Dr.K.A.Mohamed Farook with effect from 20.7.2015, 20.7.2015 & 3.12.2015 respectively, in the light of approval given by the first respondent to the similarly placed persons like Dr.D.Thampi Dharmaraj Kurupatham in Na.Ka.No.24810/F2/2015 dated 20.10.2015 in W.P.No.16897 of 2015, Dr.S.Mehalin Chandra in W.P.No.16898 of 2015 and C.Anuba & 10 others, in W.P.Nos.11004 to 11014 of 2005 dated 29.6.2015 with monetary and all other attendant and service benefits, based on the representations given by the petitioners dated 13.8.2015, 13.8.2015 & 21.12.2015 respectively.

For Petitioners	::	Mrs.A.V.Bharathi for
		Mr.E.Martin Jayakumar
For Respondents	::	Mr.A.Kumar
		Special Government Pleader for
		R1 & R2
		Mr.G.Sam Edwin Raj for R3

COMMON ORDER

The petitioners have been appointed in the post of Assistant Professor in the departments of Commerce, Botany and Zoology in the third respondent-Dr.Zakir Husain College, Ilayangudi with effect from 20.7.2015, 20.7.2015 & 3.12.2015 respectively, in the sanctioned posts, based on the proceedings of the Director of Collegiate Education dated 28.10.99 in Pa.Mu.No.47700/Q4/99, the first respondent herein. It is also the claim of the petitioners that 11 posts were sanctioned in the cadre of Assistant Professor (Commerce), 2 posts in the cadre of Assistant Professor (Botany) and 3 posts in the cadre of Assistant Professor (Zoology) for the year 1999-2000 and they have been appointed in the last sanctioned posts of the respective cadre on the aforementioned dates, consequent to the retirement of Mr.V.Kamarudeen, Dr.E.Rajabudeen and Dr.K.A.Mohamed Farook on 31.5.2015, 31.5.2015 & 31.3.2015 respectively. But the grievance of the petitioners is that although they have been appointed in the sanctioned posts, they have not been paid with the salary by the management, since their appointments have not been approved. In this regard, the third respondent had also sent the proposals dated 24.7.2015, 24.7.2015 & 8.12.2015 to the first respondent seeking approval of the appointments of the petitioners in the respective cadres. In addition thereto, the petitioners have also submitted representations dated 13.8.2015, 13.8.2015 & 21.12.2015 respectively to the first respondent seeking for approval and sanction, in the light of approval given by the first respondent to similarly placed persons like Dr.D.Thampi Dharmaraj Kurupatham in Na.Ka.No.24810/F2/2015 dated 20.10.2015 in W.P.No.16897 of 2015, Dr.S.Mehalin Chandra in W.P.No.16898 of 2015 and C.Anuba & 10 others, in W.P.Nos.11004 to 11014 of 2005 dated 29.6.2015 with monetary and all other attendant and service benefits. Since the said representations have not been considered, they have come to this Court.

2. Mr.A.Kumar, learned Special Government Pleader takes notice on behalf of the respondents 1 & 2 and Mr.G.Sam Edwin Raj, learned counsel takes notice on behalf of the third respondent.

3. This Court, considering the fact that the third respondent has already sent the proposals dated 24.7.2015, 24.7.2015 & 8.12.2015 to the first respondent seeking approval of the appointments of the petitioners in the respective cadres, hereby directs the first respondent-Director of Collegiate Education, Chennai to consider the representations of the petitioners dated 13.8.2015, 13.8.2015 & 21.12.2015 respectively, in the light of the approval granted to similarly placed persons like Dr.D.Thampi Dharmaraj Kurupatham in Na.Ka.No.24810/F2/2015 dated 20.10.2015 in W.P.No.16897 of 2015, Dr.S.Mehalin Chandra in W.P.No.16898 of 2015 and C.Anuba & 10 others in W.P.Nos.11004 to 11014 of 2005 dated 29.6.2015, and pass appropriate orders, subject to their eligibility, within a period of eight weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Director of Collegiate Education
College Road
Chennai 600 006
2. The Joint Director of College Education
Madurai Region
Madurai

+3 ccs to Mr.E.Martin Jayakumar Advocate sr.21455,
21456,21457

+1 cc to Government Pleader sr.21874

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