

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.12817 & 12818 of 2016

Mr.A.Mohamed Hussain .. Petitioner in W.P.No.12817 of 2016
Mr.S.Ismail Hasan .. Petitioner in W.P.No.12818 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 both
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 the petitioners' appointments as Lab Assistants in the third respondent Dr.Zakir Husain College, Ilayangudi, in the sanctioned vacancies caused by the retirement of Mr.S.Shahul Hameed and Mr.S.M.S.Abdul Gaffoor with effect from 20.07.2015 in the light of approval given to similarly placed non-teaching staff Mr.M.Stephen and Mr.Chithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014 dated 13.01.2015 with all monetary benefits based on this Hon'ble Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dated 24.04.2009 and SLP No.27331 of 2013 dated 04.10.2013 with monetary benefits, seniority in service and other attendant benefits with effect from 20.07.2015 based on the representation given by the petitioners dated 13.08.2015.

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 Lab Assistant in the third respondent-Dr.Zakir Husain College, Ilayangudi with effect from 20.7.2015 in the sanctioned posts, based on the permission granted by the Director of Collegiate Education, Chennai dated 8.2.88 in Na.Ka.No.19452/F2/87, the first respondent herein. It is also the claim of the petitioners that 2 posts were sanctioned in the cadre of Lab Assistant for the years 1976-1977 & 1999-2000 and they have been appointed in the sanctioned posts on the aforementioned dates, consequent to the retirement of Mr.S.Shahul Hameed and Mr.S.M.S.Abdul Gaffoor on 31.5.2015 & 30.6.2014 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 to the first respondent seeking approval of the appointments of the petitioners. In addition thereto, the petitioners have also submitted representations dated 13.8.2015 to the first respondent seeking for approval and sanction, in the light of the approval given to similarly placed non-teaching staff Mr.M.Stephen and Mr.Chithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014 dated 13.01.2015 with all monetary benefits based on this Hon'ble Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.08.2008, W.A.No.99 of 2009 dated 24.04.2009 and SLP No.27331 of 2013 dated 04.10.2013 with monetary benefits, seniority in service and other attendant 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 to the first respondent seeking approval of the appointments of the petitioners in the post of Lab Assistant, hereby directs the first respondent-Director of Collegiate Education, Chennai to

consider the representations of the petitioners dated 13.8.2015, in the light of the approval granted to similarly placed non-teaching staff Mr.M.Stephen and Mr.Chithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014 dated 13.01.2015 with all monetary benefits based on this Hon'ble Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.08.2008, W.A.No.99 of 2009 dated 24.04.2009 and SLP No.27331 of 2013 dated 04.10.2013, 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(CS-III)

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

+2 cc to Mr.E.Martin Jayakumar Advocate sr.21459,21458

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