IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.25671 of 2014

and M.P.No.1 of 2014

Dr.D.Devadas .. Petitioner

Vs.

1. The State of Tamil Nadu,
   Rep. by its Secretary,
   Higher Education Department,
   Fort St.George, Chennai-9.

2. The Director of Collegiate Education,
   College Road, Chennai-600 006.

3. The Scott Christian College,
   rep. by its Correspondent/Secretary
   of Governing Body,
   Nagercoil-3, Kanyakumari District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records from the file of the second respondent, dated 25.01.2010 in Na.Ka.No.44673/F2/03, quash the same and to direct the second respondent to approve the appointment of the petitioner as Assistant Professor from 19.06.2000 in the Tamil Department of the third respondent College including the payment of arrears of salary and other allowance from 19.06.2000 to 25.07.2006.

For Petitioner : Mrs.A.V.Bharathi
For Respondents : Mr.K.Dhananjayan,
Spl.G.P. for RR-1 and 2
Mr.S.Bharathirajan for R-3

ORDER

Learned counsel for the petitioner submitted that in identical circumstances, this Court in W.P.No.3244 of 2011, by order dated 05.02.2015, allowed the said Writ Petition to the extent indicated below:

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"11. In the result, the order dated 30 October 2009 is set aside and the matter is remitted to the second respondent for fresh consideration. The second respondent is directed to consider the question of approval of appointment of the petitioner for the period from 20 June 2001 to 25 July 2006 in the light of the order dated 24 November 2010 in W.P.No.22549 of 2010 and the Government Order in G.O.(3D).No.4, Higher Education (E2) Department dated 6 March 2014. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

12. The writ petition is allowed as indicated above. Consequently, the connected MP is closed. No costs."

2. Hence, following the above said order, dated 05.02.2015 in W.P.No.3244 of 2011, the present Writ Petition is allowed to the extent indicated below:

The impugned order, dated 25.01.2010 is set aside and the matter is remitted to the second respondent for fresh consideration. The second respondent is directed to consider the question of approval of appointment as Assistant Professor from 19.06.2000 in the Tamil Department of the third respondent-College, including the payment of arrears of salary and other allowance from 19.06.2000 to 25.07.2006, in the light of the order dated 24th November, 2010 in W.P.No.22549 of 2010 and the Government Order in G.O.(3D).No.4, Higher Education (E2) Department, dated 6th March, 2014. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

No costs. The Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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Copy to

1. Secretary to Government,
   Higher Education Department,
   Fort St.George, Chennai-600 009.

2. Directorate of Collegiate Education,
   College Road, Chennai-600 006.

3. The Scott Christian College,
   rep. by its Correspondent/Secretary
   of Governing Board,
   Nagercoil-3,
   Kanyakumari District.

+1cc to Mr.E. Martin Jayakumar, Advocate, S.R.No.66983
+1cc to Mr.S. Bharathirajan, Advocate, S.R.No.67201
+1cc to the Government Pleader, S.R.No.67122

skv(CO)
md(25/11/2016)

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