

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 17.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.20650 of 2016

Dr.T.N.Suseela

... Petitioner

Versus

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

2.The Joint Director of Collegiate Education  
Thirunelveli Region  
Thirunelveli- 627 007

3.The Secretary-Cum- Correspondent  
Womens Christian College,  
Nagercoil, Kanyakumari District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus, directing the 1st Respondent herein to approve and regularize petitioner appointment as Lecturer in History in the Womens Christian College Nagercoil in the sanctioned retirement vacancy of Dr.(Tmt). Ivy Peter with effect from 02.01.2002 to 09. 08.2006 in the light of the approval given by the 1st Respondent to the similarly placed persons in Na.Ka. NO. 4593/ F2 /2016 dated 15.04.2016 Na.Ka. No. 19837/F2/ 2007 dated 14.03.2014 and Na.Ka. No. 33733/F2/ 2005 dated 01.09.2014 in W.P. NO. 17368 of 2005 dated 29.06.2005 W.A. Nos. 140 811 of 2006 and 805 of 2007 dated on 21.10.2010 and in SLP. Nos. 19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the Review Petition dated 30.03.2016 given by the petitioner.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mr.S.Gunasekaran (for 1 & 2 )  
Government Advocate

Mr.S.Bharathirajan (for R3)

O R D E R

This Writ Petition has been filed by the petitioner, seeking for a mandamus, directing the first respondent herein to approve and regularize her appointment as Lecturer in History in the Women's Christian College, Nagercoil in the sanctioned retirement vacancy of Dr.(Tmt). Ivy Peter with effect from 02.01.2002 to 09.08.2006 in the light of the approval given by the first respondent to the similarly placed persons in Na.Ka. NO. 4593/ F2 /2016 dated 15.04.2016, Na.Ka. No. 19837/F2/ 2007 dated 14.03.2014 and Na.Ka. No. 33733/F2/ 2005 dated 01.09.2014 in W.P. NO. 17368 of 2005 dated 29.06.2005, W.A. Nos. 140 811 of 2006 and 805 of 2007 dated on 21.10.2010 and in SLP. Nos. 19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the Review Petition dated 30.03.2016 given by her.

2.Mr.S.Gunasekaran, learned Additional Government Pleader takes notice on behalf of the respondents 1 and 2. Mrs.S.Bharathirajan, learned counsel takes notice for the third respondent.

3.By consent, the writ petition itself is taken up for final disposal.

4.The learned counsel for the petitioner submitted that petitioner who is possessing the qualification of M.A., M.Phil, B.Ed., & Ph.D in History, was appointed as lecturer temporarily in History in Women's Christian College, Nagercoil, on 02.01.2002 by virtue of the appointment order issued by the Secretary of the Women's Christian College, Nagercoil in a sanctioned post. Subsequently, when vacancy arose, her appointment was sanctioned by the second respondent in his proceedings vide Ne.Mu.No.8625/V003/2007 dated 16.07.2007, with effect from 10.08.2006. Considering the fact that the petitioner has been working continuously, based on the Government Order, approved the petitioner's appointment and thereupon, she was paid with salary. But the grievance of the petitioner is that although she was appointed in the sanctioned vacancy on 02.01.2002, the first respondent while regularising her appointment, ought to have issued the approval order with effect from 02.01.2002 in the light of the approval given by him to the similarly placed persons in Na.Ka. NO. 4593/ F2 /2016 dated 15.04.2016, Na.Ka. No. 19837/F2/ 2007 dated 14.03.2014 and Na.Ka. No. 33733/F2/ 2005 dated 01.09.2014 in W.P. NO. 17368 of 2005 dated 29.06.2005, W.A. Nos. 140 811 of 2006 and 805 of 2007 dated on 21.10.2010 and therefore, pleaded to regularise her service from 02.01.2002 and pay her with salary and other benefits with effect from 02.01.2002. The learned counsel for the

petitioner submitted that petitioner has sent a representation to the first respondent dated 23.04.2014 in regard to regularisation of her service from 02.01.2002 and to pay her salary with effect from 02.01.2002.

5.In support of his contention, the learned counsel for the petitioner cited the order passed by this Court in W.P.No.3311 of 2016 on 22.02.2016.

6.The learned Additional Government Pleader submitted that the third respondent has already submitted his report to the first respondent. He further submitted that petitioner's representation would be considered in accordance with the Tamil Nadu Private College Regulations and Rules, 1976. He also sought time to consider and dispose of the petitioner's representation dated 23.04.2014.

7.Following the earlier orders passed by this Court stated supra and on mere perusal of the above observation, it clearly shows that the first respondent, while granting approval to the petitioner's appointment, in my considered view, ought to have approved her appointment with effect from 02.01.2002. Since in the present case, the order of approval has been given only from 10.08.2006, this Court hereby directs the first respondent to consider and dispose of the petitioner's representation dated 23.04.2014 to regularise the service of the petitioner from 02.01.2002 and to pay the salary and other benefits with effect from 02.01.2002, within a period of six weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

DP

To

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

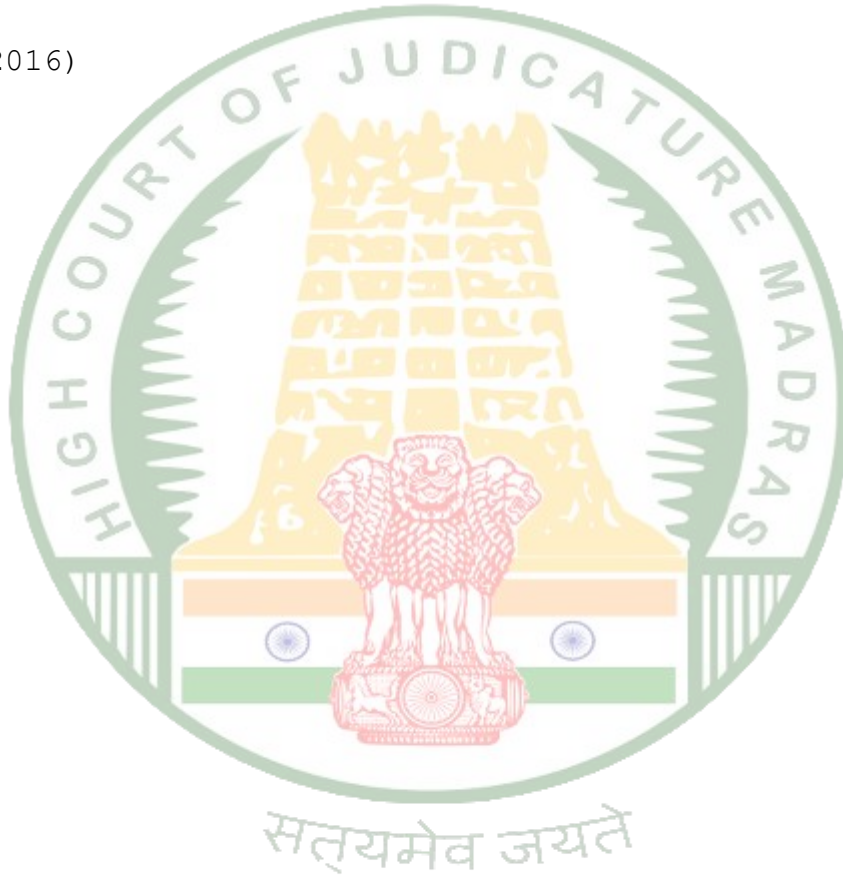
2.The Joint Director of Collegiate Education  
Thirunelveli Region  
Thirunelveli- 627 007

3.The Secretary-Cum- Correspondent  
Womens Christian College,  
Nagercoil, Kanyakumari District.

+1cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.33654  
+1cc to Mr.S.Bharathirajan, Advocate, S.R.No.33271  
+1cc to the Government Pleader, S.R.No.33749

W.P.No.20650 of 2016

SSK(CO)  
CA(01/07/2016)



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