

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.20651 of 2016

Dr.F.Selvakumaran

... Petitioner

vs.

1. The Director of Collegiate Education,
College Road, Chennai-600 006.
2. The Joint Director of Collegiate Education,
Trichy Region,
Trichy - 620 020.
3. The Secretary,
St. Joseph's College,
Trichy - 620 002.

... Respondents

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's appointment as Lecturer in Tamil in St. Joseph's College, Trichy in the sanctioned retirement vacancy of Dr.S.Samimuthu with effect from 16.08.1990 to 14.06.1992 in the light of the approval given by the 1st respondent to the similarly placed persons in M.S.No.441, Higher Education Department, dated 18.08.1997 and 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 2016 and 805 of 2007, dated 21.10.2010 and in S.L.P.No.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the Review Petition, dated 23.05.2016 given by the petitioner.

For Petitioner	:	Mr.E.Martin Jayakumar
For R1 & R2	:	Mr.K.Dhananjayan, Special Government Pleader
For R3	:	Mr.P.Godson Swaminath

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st Respondent herein to approve and regularize his appointment as a Lecturer in Tamil in St. Joseph's College, Trichy in the sanctioned retirement vacancy of Dr.S.Samimuthu with effect from 16.08.1990 to 14.06.1992 in the light of the approval given by the 1st respondent to similarly placed persons in M.S.No.441, Higher Education Department, dated 18.08.1997 and 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 2016 and W.A.No.805 of 2007, dated 21.10.2010 and in S.L.P.No.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the Review Petition, dated 23.05.2016 given by him.

2. Mr.K.Dhananjayan, learned Special Government Pleader takes notice on behalf of the respondents 1 and 2 and Mr.P.Godson Swaminath, learned counsel takes notice for the third respondent.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. Learned counsel for the petitioner submitted that the petitioner who is possessing the qualification of M.A., M.Phil, and Ph.D in Tamil, was appointed as a Lecturer in Tamil with effect from 16.08.1990 in St. Joseph's College, Trichy, in the retirement vacancy of Dr.S.Samimuthu by virtue of the appointment order issued by the Secretary of St. Joseph's College, Trichy, in a sanctioned post. Subsequently, the post was approved by the 1st respondent and an order to that effect was issued by the second respondent in his proceedings vide Pa.Mu.No.7602/A4/93, dated 27.09.1993 with effect from 15.06.1992.

5. It is further submitted by the learned counsel for the petitioner that in spite of representations made by the petitioner to the 1st respondent on 04.01.1991 and 27.02.1991, seeking approval of the post of Lecturer in Tamil in respect of the petitioner, no orders have been passed so far. To substantiate his case, learned counsel relied on the order dated 22.02.2016 passed by this Court in W.P.No.3311 of 2016.

6. Learned Special Government Pleader appearing for respondents 1 and 2 submitted that the 3rd 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.

7. In view of the above, without going into the merits of the case, this Court directs the first respondent to consider and dispose of the petitioner's Review Petition dated 23.05.2016 seeking approval of the post of Lecturer in Tamil in the retirement vacancy of Dr.S.Samimuthu and regularization of his service with effect from 16.08.1990 and payment of monetary and service benefits due to him, within a period of six weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

aeb
To:

1. The Director of Collegiate Education,
College Road, Chennai-600 006.
2. The Joint Director of Collegiate Education,
Trichy Region,
Trichy - 620 020.

+1cc to Mr.P. Godson Swaminath, Advocate, S.R.No.66736
+1cc to the Government Pleader, S.R.No.67116

gmi (CO)
md(29/11/2016)

W.P.No.20651 of 2016