

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.Nos.22408 to 22417 of 2016

Mr.B.Saravanan	.. Petitioner in WP.No.22408/16
Mr.R.Ramkumar	.. Petitioner in WP.No.22409/16
Mr.M.Prashanth	.. Petitioner in WP.No.22410/16
Mr.K.M.Vishvanathan	.. Petitioner in WP.No.22411/16
Mr.K.Sathish Kumar	.. Petitioner in WP.No.22412/16
Tmt.M.SakthiPriya	.. Petitioner in WP.No.22413/16
Tmt.P.Muthupriya	.. Petitioner in WP.No.22414/16
Tmt.P.Sathya	.. Petitioner in WP.No.22415/16
Tmt.C.Sudha	.. Petitioner in WP.No.22416/16
Tmt.A.Devasahayam	.. Petitioner in WP.No.22417/16

Vs.

1. The Director of Collegiate Education
College Road
Chennai-600 006.
2. The Joint Director of Collegiate Education
Madurai Region
Madurai-627 007.
3. The Secretary
Saraswathi Narayanan College
Perungudi
Madurai-625 022.

.. Respondents in all WPs

(Respondents 2 and 3 are given up,
as per the endorsement made in these
Writ Petitions, dated 14.07.2016)

Prayer in W.P.No. 22408 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the 1st respondent to approve the petitioner's appointment as Junior Assistant in the 3rd respondent Saraswathi Narayanan College, Madurai, in the sanctioned vacancy caused by the retirement of V.Namasivayam w.e.f. 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No.2318 of 2011, dated 11.10.2013, Non-Teaching Staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014, dated 13.01.2015, with all monetary benefits, based on the order of this High Court as well as the Hon'ble Supreme Court in W.P.No.23712 of 2008, dated 26.09.2008;

W.A.No.99 of 2009, dated 24.04.2009; and S.L.P.No.27331 of 2013, dated 04.10.2013, with monetary benefits, seniority in service and other attendant benefits w.e.f. 23.04.2015, based on the representation given by the petitioner dated 23.03.2016 and pass such further orders as this Court may deem fit and proper.

WP.22409/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Office Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Promotion of Mr.C.A.Ganesan with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honble High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22410/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Office Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Promotion of Mr.M.Mohan with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22411/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Office Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Death of Mr.M.Pandi with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority

in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22412/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Lab Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Retirement of Mr.P.Paramasivam with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22413/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Lab Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Retirement of Mr.V.Vijayaraman with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22414/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Lab Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Retirement of Mr.S.Gunasekaran with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant

benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22415/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Lab Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Retirement of Mr.V.Nachiyappan with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22416/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioners appointment as Record Clerk in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Retirement of Mr.V.Ramakrishnan with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

WP.22417/16:

To issue Writ of Mandamus or any other appropriate Writ, order or Direction Directing the 1st respondent to approve the petitioner appointment as Lab Assistant in the 3rd respondent Saraswathi Narayanan College Madurai in the sanctioned vacancy caused by the Retirement of Mr.M.Rajangam with effect from 23.04.2015 in the light of approval given to similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013 non-teaching staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No. 59741/F2/ 2014 dated 13.01.2015 with all monetary benefits based on this Honorable High Court and Supreme Court orders passed in

W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dt.24.4.2009 and SLP.No.27331/2013 dt.4.10.2013 with monetary benefits, Seniority in service, and other attendant benefits with effect from 23.4.2015 based on the representation given by the petitioner dt.23.3.2016.

For Petitioner : Mrs.A.V.Bharathi for
in W.P.No.22408/16 Mr.E.Martin Jayakumar
to WP.22417/2016

For Respondents: Mrs.M.E.Raniselvam
in W.P.No.22408/16 Addl. Government Pleader
to WP.22417/16 for R.1
R.2 & R.3 - Given Up

COMMON ORDER

The petitioners have been appointed in various posts in the third respondent College in the year 2015, in the sanctioned posts, consequent to the retirement vacancy of certain persons. 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 already sent the proposals to the first respondent seeking approval of the appointment of the petitioners in the respective posts. In addition thereto, the petitioners have also submitted representations, dated 23.03.2016, to the first respondent seeking for approval and sanction, in the light of approval given by the first respondent to similarly placed persons like P.Ravichandran in order passed in W.A.No.2318 of 2011, dated 11.10.2013, Non-Teaching Staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014, dated 13.01.2015, with all monetary benefits, based on the order of this High Court as well as the Hon'ble Supreme Court in W.P.No.23712 of 2008, dated 26.09.2008; W.A.No.99 of 2009, dated 24.04.2009; and S.L.P.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. Mrs.A.V.Bharathi, the learned counsel for the petitioners would submit that she is giving up respondents 2 and 3. She has also made an endorsement to that effect. She would further add that though, a larger relief is sought for, the petitioners would be satisfied, if the 1st respondent is directed to consider the representations of the petitioners, dated 23.03.2016, and to pass appropriate orders, in the light of approval given by the 1st respondent to the similarly placed persons, within a time frame.

3. Mrs.M.E.Raniselvam, the learned Additional Government Pleader, who took notice on behalf of the 1st respondent, has got no serious objection in directing the 1st respondent to consider the

representations of the petitioners, dated 23.03.2016 and to pass appropriate orders, on merits and in accordance with law.

4. Heard both sides. I have considered the above submissions.

5. Considering the above submission and also the fact that the petitioners have restricted their relief and also the fact that the petitioners have given up the respondents 2 and 3 and also the fact that the third respondent has already sent the proposals to the first respondent seeking approval of the appointment of the petitioners in the respective posts, hereby directs the first respondent-Director of Collegiate Education, Chennai, to consider the representations of the petitioners, dated 23.03.2016, in the light of the approval granted to similarly placed persons like P.Ravichandran in order passed in W.A.No.2318 of 2011, dated 11.10.2013, Non-Teaching Staffs Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014, dated 13.01.2015, with all monetary benefits, based on the order of this High Court as well as the Hon'ble Supreme Court in W.P.No.23712 of 2008, dated 26.09.2008; W.A.No.99 of 2009, dated 24.04.2009; and S.L.P.No.27331 of 2013, dated 04.10.2013, and pass appropriate orders, after giving notice and affording sufficient opportunity of hearing to them, subject to their eligibility, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

6. These Writ Petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

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

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai-627007.

+10 cc's to M/s.E.Martin Jayakumar, Advocate,SR.39520 to 39524, 39516 to 39519, 39452.

+1 cc to Government Pleader,SR.40861, 39711.

ks(co)
krd 22/7

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