

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.34909 of 2016

Tmt.Dr.Rohini Thilakavathy Thomas

.. Petitioner

vs.

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

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

3.The Secretary/Correspondent,
Nesamony Memorial Christian College,
Marthandam,
Kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to approve the petitioner appointment as Assistant Professor of English, in the 3rd respondent College, with effect from 19.09.1991 to 30.10.1999 on the basis of the petitioner representation dated 10.09.2016 with all monetary benefits.

For Petitioner : Mr.J.Jayendrahrishnan

For Respondents : Mr.R.Venkatesh,
Govt. Advocate for R1 & R2
Mr.S.Bharathirajan for R3

सत्यमेव जयते
O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the first respondent to approve the petitioner appointment as Assistant Professor of English, in the 3rd respondent College, with effect from 19.09.1991 to 30.10.1999 on the basis of the petitioner representation dated 10.09.2016 with all monetary benefits.

2. The petitioner had passed M.A. English in 1982 and completed M.Phil in 1985 and completed Ph.D. in 2011. The petitioner was fully qualified for the post of Lecturer as per UGC norms during the year 1991 and he was appointed as Lecturer in the third respondent college as per third respondent

proceedings dated 15.09.1991 in the permanent retirement vacancy. The qualification of the petitioner has been approved by the affiliated university in 1989 and she had already received salary from UGC for the FIP vacancy of Dr.Oliver Robertson for one year from 30.09.1989. The petitioner would submit that as per the proceedings of the first respondent dated 13.09.1988, the sanctioned staff strength of the English Department is 1+15 and the petitioner has been working as Assistant Professor in the third respondent College from 19.09.1991. Since the petitioner's post was not sanctioned from 1991 even after repeated requests, he filed W.P.No.16650 of 1998 claiming post approval from 1991 and this Court, vide order dated 12.06.2008, directed the respondents to consider her claim for approval from 1991 within a stipulated time and the same was not considered positively. The petitioner finally submitted a representation dated 10.09.2016 to the respondents 1 and 2 seeking to consider her representation and thereby release the post from 19.09.1991 and the salary till 30.10.1999 by adjusting 35 days leave salary given to him. Since no action was taken on his representation, the petitioner has come forward with this writ petition.

3. Heard both sides and perused the entire materials available on record.

4. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to give a fresh representation to the respondents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, are directed to consider and pass appropriate orders within a period of four weeks thereafter.

5. This Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

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

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

3. The Secretary/Correspondent,
Nesamony Memorial Christian College,
Marthandam,
Kanyakumari District.

+1 cc to Mr.S.Bharathirajan Advocate sr 63464

+1 cc to Mr.J.Jayendrah Krishnan Advocate sr63465

+1 cc to the Government Pleader sr 63948

W.P.No.34909 of 2016

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