

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40168 of 2016

A.Jermanus Maria Raja

... Petitioner

Vs.

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

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent to approve the petitioner's appointment as Library Assistant in St. Justin's College of Education, Madurai in the sanctioned vacancy caused by the transfer of Mrs.S.Alphonse with effect from 01.06.2016 in the light of approval given to similarly placed 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 Hon'ble High Court and Supreme Court orders passed n W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dated 24.04.2009 and SLP.No.27331 of 2013 dated 04.10.2013 with monetary benefits, seniority in service and other attendant benefits with effect from 01.06.2016 based on the representation given by the petitioner dated 13.07.2016.

For Petitioner : Mr.E.Martin Jayakumar

For Respondent : Mr.D.Suriya Narayanan,
Government Advocate

ORDER

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

2. The petitioner has come up with the present writ petition for a Writ of Mandamus, directing the respondent to approve the petitioner's appointment as an Library Assistant in

St. Justin's College of Education, Madurai in the sanctioned vacancy caused by the transfer of Mrs.S.Alphonse with effect from 01.06.2016 in the light of approval given to similarly placed 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 Hon'ble High Court and Supreme Court orders passed in W.P.No.23712 of 2008 dated 26.09.2008, W.A.No.99 of 2009 dated 24.04.2009 and SLP.No.27331 of 2013 dated 04.10.2013 with monetary benefits, seniority in service and other attendant benefits with effect from 01.06.2016 based on the representation given by the petitioner dated 13.07.2016.

3. It is the case of the petitioner that he was appointed as an Office Assistant in St.Justin's College of Education, Madurai in the sanctioned vacancy caused by the transfer of Mrs.S.Alphonse, with effect from 01.06.2016. In and by the proceedings of the respondent in Rc.No.72291/E2/77 dated 03.06.1977, permission has been granted to fill up the vacancies for non teaching staff and the said Mrs.S.Alphonse was permitted to work in the sanctioned non-teaching post as Library Assistant.

4. The post of Library Assistant, being a sanctioned post, from the year 1977 in the St.Justin's College of Education, Madurai and the same was also approved. The Management of St.Justin's College of Education, Madurai is duly entitled to make such appointment in case of inevitable circumstances without prior approval of the respondent since the same can be sanctified at a later date, if the post is a sanctioned post. It is the further case of the petitioner that similarly placed non-teaching staffs by name Mr.M.Stephen and Mr. Cithirairaj Gnanadhasan, who were working as Library Assistant & Record Clerk respectively in the Scott Christian College, Madurai, whose posts were approved by the respondent vide Na.Ka.Ka.No.59741/F2/2014 dated 13.01.2015.

5. The petitioner has sent a representation dated 13.07.2016 to the respondent through the College seeking to approve his appointment as Library Assistant in St. Justin's college of Education with effect from 01.06.2016. But the respondent neither considered nor rejected his representation till date. Hence, the petitioner has come forward with the present petition.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a copy of the representation dated 13.07.2016, along with a copy of this

order, to the respondent within a period of two weeks, from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the said representation seeking approval of her appointment as Library Assistant in St.Justin's College of Education, Madurai with effect from 01.06.2016 and pass appropriate orders, on merits and in accordance with law and in the light of approval given to similarly placed non-teaching staffs viz., Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan vide Na.Ka.No.59741/F2/2014 dated 13.01.2015 and also based on the orders passed by this Court as well as by 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 SLP.No.27331 of 2013 dated 04.10.2013, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

To

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

+1cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.66441
+1cc to the Government Pleader, S.R.No.66312

W.P.No.40168 of 2016

VD(CO)
CA(29/11/2016)

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