

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

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THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.41995 of 2016

S.Shoba

... Petitioner

VS.

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

2. The Secretary – cum – Correspondent,
Women's Christian College,
Nagercoil.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, to direct the first respondent to approve the petitioner's appointment as Library Assistant in Women's Christian College, Nagercoil in the sanctioned vacancy caused by the promotion of Mrs.Prem Latha with effect from 01.08.2016 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 Court and Hon'ble 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 01.08.2016 based on the representation given by the petitioner dated 08.08.2016.

For Petitioner : Mr.E.Martin Jayakumar
For R-1 : Mr.V.Anandha Moorthy,
Additional Government Pleader
For R-2 : Mr.S.Bharathirajan

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 mandamus, to direct the first respondent to approve her appointment as Library Assistant in Women's Christian College, Nagercoil in the sanctioned vacancy caused by the promotion of Mrs.Prem Latha with effect from 01.08.2016 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 Court and Hon'ble 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 01.08.2016 based on the representation given by her on 08.08.2016.

3. The case of the petitioner, in brief, is as follows:

(a) The petitioner was originally appointed as self-financed category with effect from 02.06.2005. Subsequently, she has been appointed as Library Assistant in the second respondent College in the sanctioned vacancy caused by promotion of Mrs. Prema Latha with effect from 01.08.2016. By the proceedings of the respondent dated 18.05.1987, permission has been granted to fill up the vacancies for non-teaching staff, revision of grant in aid for payment of salaries and fixation of staff and grant were given that arose in the year 1986-87. In and by the said proceedings, the said Prema Latha was permitted to work in the sanctioned non-teaching post as Library Assistant. The petitioner occupied the senior most Management non-teaching staff post.

(b) The post of Library Assistant is a sanctioned post from the year 1987 in the Women's Christian College and the same was approved and grant was also given by the 1st respondent from 1987. However, her service was not approved in the sanctioned post with effect from 01.08.2016. In this regard, the petitioner sent a representation dated 08.08.2016 to the Director of Collegiate Education, the first respondent herein, through the second respondent College, seeking approval of her appointment as Library

Assistant Women's Christian College with effect from 01.08.2016. But, the first respondent neither considered nor rejected her representation till date. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner submitted that the similarly placed persons like that of the petitioner by name M.Stephen and Cithirairaj Gnanadhasan, who were working as Library Assistant and Record Clerk respectively, in the Scott Christian College, Nagercoil, whose posts were not approved from the date of appointment, filed Writ Petitions bearing Nos.29716 and 29717 of 2014 which were disposed by this Court on 14.11.2014. Based on the said order, the first respondent issued an order dated 13.01.2015, approving the post of Mr.M.Stephen and Mr.Cithirairaj Gnanadhasan from the date of their initial appointments dated 30.10.2010 & 01.07.2010. Hence, the petitioner is also entitled for the same relief.

5. I have heard Mr.V.Anandha Moorthy, learned Additional Government Pleader, who has taken notice on behalf of the first respondent and Mr.S.Bharathirajan, learned counsel, who has taken notice on behalf of the second respondent.

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 08.08.2016 along with a copy of this order to the first respondent, within two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking approval of her appointment as Library Assistant in Women's Christian College, Nagercoil with effect from 01.08.2016 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., M.Stephan and Chithirairaj 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 orders 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.

30.11.2016

Index:Yes/No
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To

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2. The Secretary – cum – Correspondent,
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R.SUBBIAH, J.
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