

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42171 of 2016

Dr.D.Jones Rajan

... Petitioner

Vs

The Director of Collegiate Education,
College Road, Chennai-6.

... 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 and regularize the petitioners appointment as Physical Education Director in the Popes College Thoothukkudi in the sanctioned Transfer vacancy of Dr. V.S. Mohan Rajkumar w.e.f. 9.3.2012 with monetary and all other attendant benefits in the light of approval given by the respondent to the similarly placed persons like Dr.N.Santhy in W.P. No. 35715 of 2015 dt 16.11.2015 in Na. Ka. No. 50256/F2/2015 dt 2.3.2016 and Dr. S.Stella and others in Na. Ka. No. 45439/F4/2015 dt 25.1.2016 in W.P. Nos. 35584 to 35587 of 2015 dt 16.11.2015 and also based on the recommendation in Na. Ka. No. 34517/F4/2009 dt 23.11.2016 based on the Review Petition dt 24.6.2015 pending on the file of the respondent.

For Petitioner : Mr.C.R.Rose radhi Jijo
For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

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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, directing the respondent to approve and regularize his appointment as Physical Education Director in the Pope's College, Thoothukkudi, in the sanctioned Transfer

vacancy of Dr. V.S. Mohan Rajkumar with effect from 9.3.2012 with monetary and all other attendant benefits in the light of approval given by the respondent to the similarly placed persons like Dr.N.Santhy in W.P. No. 35715 of 2015 dated 16.11.2015 in Na. Ka. No. 50256/F2/2015 dated 2.3.2016 and Dr. S.Stella and others in Na. Ka. No. 45439/F4/2015 dated 25.1.2016 in W.P. Nos. 35584 to 35587 of 2015 dated 16.11.2015 and also based on the recommendation in Na. Ka. No. 34517/F4/2009 dated 23.11.2016, based on the Review Petition dated 24.6.2015 pending on the file of the respondent.

3. It is the case of the petitioner that he is possessing the qualification of M.Ped. and Ph.D, and he was appointed as a Physical Education Director in Pope's College, Thuthukkudi, with effect from 9.3.2012 in the sanctioned transfer vacancy of Dr.V.S.Mohan Rajkumar. Subsequently, by the proceedings of the respondent dated 28.10.1999, permission has been granted to fill up the vacancies that arose in the the vacant posts of the year 1999-2000 on or before 31.3.2000. There is no provision either in the Tamil Nadu Private Colleges (Regulation) Act, 1976 or in the Tamil Nadu Private Colleges (Regulation) Rules, 1976 stating that prior permission has to be obtained from the respondent before filling up a vacant sanctioned post. Therefore, necessary approval has to be granted by the respondent for the appointment of the petitioner as Physical Education Director with effect from 9.3.2012. In this regard, the petitioner made several representations, but, no orders have been passed so far. Hence, the present writ petition.

4. Learned counsel appearing for the petitioner submitted that the services of the similarly placed persons were approved by the respondent vide proceedings in Na. Ka. No. 50256/F2/2015 dated 2.3.2016 based on W.P. No. 35715 of 2015 dated 16.11.2015 and in Na. Ka. No. 45439/F4/2015 dated 25.1.2016 based on W.P. Nos. 35584 to 35587 of 2015 dated 16.11.2015 and also based on the recommendation in Na. Ka. No. 34517/F4/2009 dated 23.11.2016. Seeking the similar relief, the petitioner filed a review petition dated 29.6.2015 before the respondent. Since the same was not considered, the present writ petition.

5. Learned Special Government Pleader appearing for respondent submitted that petitioner's review petition dated 29.6.2015 would be considered by the respondent in accordance with the Tamil Nadu Private College (Regulation) Act and Rules, 1976.

6. In view of the above, without going into the merits of the claim projected by the petitioner, this Court directs the respondent to consider and dispose of the petitioner's Review Petition dated 29.6.2015 seeking approval of the post of Physical Education Director in Pope's College, Thuthukkudi, with effect from 9.3.2012 in the sanctioned transfer vacancy of Dr.V.S.Mohan Rajkumar and seeking regularization of his service with effect from 9.3.2012 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

sbi

To

The Director of Collegiate Education,
College Road, Chennai-6.

+1cc to the Government Pleader, S.R.No.71301

mp(CO)
md(02/01/2017)

W.P.No.42171 of 2016

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