



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) Nos. 12887 to 12891 of 2016

WEB COPY

Dr. T. T. Karthik	: Petitioner in WP (MD) No. 12887 of 2016
Dr. P. Ponraj	: Petitioner in WP (MD) No. 12888 of 2016
Dr. S. Athinarayanan	: Petitioner in WP (MD) No. 12889 of 2016
K. Kavitha	: Petitioner in WP (MD) No. 12890 of 2016
Dr. M. Sumithra	: Petitioner in WP (MD) No. 12891 of 2016

Vs.

1. The Director of Collegiate Education,
College Road,
Chennai.

2. The Secretary,
Sourashtra College,
Pasumalai Post,
Madurai - 625 004.

: Respondents in all the petitions

Prayer in WP (MD) No. 12887/2016 : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to approve the petitioner's appointment as Assistant Professor in Commerce in Sourashtra College, Madurai, in the sanctioned retirement vacancy of Dr. M. Muthupandi with effect from 24.06.2016 in the light of approval given by the respondent to the similarly placed persons like P. Ravichandran in the order passed in W.A. No. 2318 of 2011, dated 11.10.2013, Dr. D. Thampi Dharmaraj Kurupatham in Na. Ka. No. 24810/F2/2015, dated 20.10.2015 in W.P. No. 16897 of 2015 and C. Anuba & 10 others, in W.P. Nos. 11004 to 11014 of 2015, dated 24.06.2016 with monetary and all other attendant and service benefits based on the representation given by the petitioner, dated 04.07.2016.

Prayer in WP (MD) No. 12888/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the Respondents herein to approve the petitioner's appointment as Assistant Professor in Commerce in the Sourashtra College, Madurai, in the sanctioned retirement vacancy of Mr. J. H. Hari Babu with effect from 24.06.2016 in the light of approval given by the Respondent to the similarly placed persons like P. Ravichandran in order passed in W.A. No. 2318 of 2011 dated 11.10.2013, Dr. D. Thambi Dharmaraj Kurupatham in Na. Ka. No. 24810/F2/2015 dt. 20.10.2015 in W.P. No. 16897 of 2015 and C. Anuba & 10 others, in W.P. Nos. 11004 to 11014 of 2015, dated 24.06.2016 with monetary and all other attendant and service benefits based on the representation given by the petitioner, dated 04.07.2016.

Prayer in WP (MD) No. 12889/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to approve the petitioners appointment as Assistant Professor in Economics in the sourashtra college, Madurai, in the



sanctioned retirement vacancy of Dr.S.Thiagarajan with effect from 24.06.2016 in the light of approval given by the respondent to the similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013, Dr.D.Thampi Dharmaraj Kurupatham in Na.Ka.No. 24810/F2/2015 dated 20.10.2015 in W.P.NO. 16897 of 2015 and C.Anuba & 10 others, in W.P.Nos. 11004 to 11014 of 2015, dated 24.06.2016 with monetary and all other attendant and service benefits based on the representation given by the petitioner, dated 04.07.2016.

Prayer in WP(MD)No.12890/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the Respondent herein to approve the petitioners appointment as Assistant Professor in English in the Sourashtra College, Madurai, in the sanctioned retirement vacancy of Mr.M.S.Santharam with effect from 24.06.2016 in the light of approval given by the Respondent to the similarly placed persons like P.Ravichandran in order passed in W.A.No.2318 of 2011 dated 11.10.2013, Dr.D.Thambi Dharmaraj Kurupatham in Na.Ka.No.24810/F2/2015 dt.20.10.2015 in W.P.NO.16897 of 2015 and C.Anuba & 10 others, in W.P.Nos. 11004 to 11014 of 2015 dated 24.06.2016 with monetary and all other attendant and service benefits based on the representation given by the petitioner, dated 04.07.2016.

Prayer in WP(MD)No.12891/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents herein to approve the petitioners appointment as Assistant Professor in English in the sourashtra college, Madurai, in the sanctioned retirement vacancy of Dr.M.P.R. Rajasekaran with effect from 24.06.2016 in the light of approval given by the respondent to the similarly placed persons like P.Ravichandran in order passed in W.A.No. 2318 of 2011 dated 11.10.2013, Dr.D.Thampi Dharmaraj Kurupatham in Na.Ka.No. 24810/F2/2015 dated 20.10.2015 in W.P.NO. 16897 of 2015 and C.Anuba & 10 others, in W.P.Nos. 11004 to 11014 of 2015 dated 24.06.2016 with monetary and all other attendant and service benefits based on the representation given by the petitioner, dated 04.07.2016.

For petitioner :Mr.P.Ganesan in all Writ Petitions

For R-1 :Mr.T.R.Janarthanam,
Additional Government Pleader
in all Writ Petitions

For R-2 :Mr.Pon Ramkumar
in all Writ Petitions

C O M M O N O R D E R

Since the issue raised in these Writ Petitions is one and the same, these Writ Petitions are taken up together and disposed of by this common order.

<https://hcservices.ecourts.gov.in/hcservices/> 2. All the petitioners were appointed as Assistant Professors in a sanctioned Post on 24.06.2016 in the second respondent College, which is a minority Institution, protected under Article 31 of the Constitution



of India. Subsequently, the second respondent College has sent a proposal to the first respondent seeking order of approval so as to effect salary to the petitioners. In the said proposal sent by the second respondent College, it has been succinctly mentioned that the second respondent College is a minority Institution and therefore, prior permission to fill up the Post of Assistant Professors, is not necessary as per the settled legal position. Since there was no response, the petitioners have made representations on 04.07.2016 enclosing the judgment of a Division Bench of this Court in W.A.No.2318 of 2011, dated 11.10.2013 along with other orders passed by this Court in the same issue. In spite of that, the first respondent has not come forward to pass any order. Hence, these Writ Petitions.

2. Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the first respondent and Mr.Pon Karthikeyan, learned counsel takes notice for the second respondent.

3. Since the second respondent college has already sent proposal to the first respondent on 27.06.2016 seeking approval of appointment of the petitioners, without going into the merits, the first respondent is hereby directed to consider the representation of the petitioners, dated 04.07.2016, and pass appropriate orders on the same with regard to approval of their appointment, on merits and in accordance with law, in the light of the judgment of a Division Bench of this Court in W.A.No.2318 of 2011, dated 11.10.2013, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petitions are disposed of. No Costs.

Sd/
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar

To

The Director of Collegiate Education,
College Road,
Chennai.

+5ccs to M/S.V.Panneer Selvam, Advocate in SR.No.39370
+1cc to Mr.T.Pon Ramkumar, Advocate in SR.No.38718
+1cc to Special Government Pleader in SR.No.39119

W.P. (MD) No.12887 to 12891 of 2016
22.07.2016

pm
PA/NGM-MP/SAR III/27.07.2016/3P/9C (IT)