

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA****W.P. (MD) Nos.15031 of 2016**

S.Jeeva

... Petitioner

Vs.

1. The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai.
2. The Director of College Education,
College Road, Chennai.
3. The Joint Director of College Education,
Tirunelveli.
4. The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli.
5. The Scott Christian College,
Nagercoil,
represented by its Correspondent/Secretary,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to approve the appointment of the petitioner as Botany Lecturer in the fifth respondent's college from the date of initial appointment i.e., from 15.12.2011 to 06.07.2014 with all attendant benefits and pay the arrears of salary, by considering the representation of the petitioner, dated 09.04.2016.

For Petitioner

: Mr.S.C.Herold Singh

For R1 to R3

: Mr.T.R.Janarthanan

Additional Government Pleader

For R4

: Mr.Mahaboob Athiff for

M/s. Ajmal Associates

For R5

: Mr.F.Deepak

**O R D E R**

S.Jeeva, S/o.G.Solomon Retna Dhas, having the requisite qualification viz., M.Sc., in Botany along with Master of Philosophy obtained from Madurai Kamaraj University and also acquired Doctor of Philosophy in the year 2007. Therefore, in a vacancy arose in the fifth respondent College, due to the retirement of Dr.C.Kingston, the petitioner was appointed as Lecturer in Botony, in the pay scale of Rs.15600-39100+AGP Rs.6000 with usual allowance permissible under the Rules and subject to the terms and conditions stipulated by the College. But, he was not paid with salary for the reason that his appointment was not approved. The fifth respondent/the Correspondent of the College sent proposals to the second respondent/the Directorate of College Education, Chennai, on various occasions, but till date the same has not been considered.

2. When the fifth respondent College has already sent the proposal to the Directorate of College Education, Chennai, *prima facie* the petitioner is having the requisite qualification. Therefore, the petitioner's appointment was approved from 07.07.2014, by proceedings dated 28.08.2015, passed by the second respondent / the Director of College Education, Chennai. Now, the grievance of the petitioner is that his appointment should be approved from the date of appointment i.e., 15.12.2011. Therefore, the representation given by the fifth respondent College to the second respondent shall be directed to be considered.

3. When the second respondent, the Directorate of College Education, Chennai, had already considered the approval of the appointment of the petitioner with effect from 07.07.2014, on that basis, he has withheld the approval from 15.12.2011. Therefore, the proposal made by the fifth respondent to the second respondent shall be considered, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

akv
To

1. The Principal Secretary to Government,
Education Department,
Secretariat, Chennai.



2. The Director of College Education,
College Road, Chennai.

3. The Joint Director of College Education,
Tirunelveli.

WEB COPY

4. The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli.

+1CC to Mr.S.C.Herold Singh, Advocate Sr.No.48668

+1CC to Spl.Government Pleader Sr.No.48109

CSL/CK/9.9.16-3p-7c

W.P. (MD) No.15031 of 2016
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