



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2016

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.17891 of 2016

and

W.M.P (MD) No.12940 of 2016

S.Sankaranarayanan,
S/o.A.Sethuramalingam,
Principal,
Sri Kumaragurupara Swamigal Arts College,
Padbanabamangalam,
Srivaikuntam Taluk,
Thoothukudi District - 628 619.

: Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by the Principal Secretary,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Collegiate Education,
Floor No.9, E.V.K.S. Sambath Maligai,
College Road, Nungambakkam,
Chennai - 600 006.
3. Sri Kumaragurupara Swamigal Arts College,
rep. by its Secretary,
Padbanabamangalam,
Srivaikuntam Taluk,
Thoothukudi District - 628 619.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to approve the reappointment of the petitioner as Principal of third respondent College for a period of two years from 01.06.2016 to 31.05.2018, based on the proposal submitted by the third respondent college, dated 29.02.2016.

For Petitioner : Mr.G.R.Swaminathan
for Mr.T.Antony Arul Raj
For Respondents : Mr.V.Pandi,
1 and 2 Government Advocate.

**O R D E R**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to approve the reappointment of the petitioner as Principal of the third respondent College for a period of two years from 01.06.2016 to 31.05.2018, based on the proposal submitted by the third respondent College, dated 29.02.2016.

2.Mr.V.Pandi, learned Government Advocate, takes notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4.0.It is the case of the petitioner that the petitioner joined the third respondent College in the year 1983 as Assistant Professor and he became the Principal of the College in the year 2000. He reached the age of superannuation on 30.04.2016 and he was re-employed upto 31.05.2016. Earlier on 08.02.2016, he applied to the third respondent for extension of his services beyond his superannuation for a period of two years from 01.06.2016 to 31.05.2018, citing various Government Orders granting extension of service to several persons. The third respondent management also is desirous in granting such extension to the petitioner, considering his service. The Management also requires his service for getting a higher grade from National Assessment and Accreditation Council (NAAC), Bangalore, which is to assess and award grade, after January, 2018.

4.1.The third respondent Managing Committee unanimously resolved on 14.02.2016 for his extension and also submitted a proposal to the first respondent, through proper channel, on 29.02.2016. The Management received a letter dated 04.08.2016 from the Regional Joint Director of Collegiate Education, Tirunelveli, calling upon the Management to furnish a detailed reason for granting such extension and the College Committee also resubmitted the proposal on 06.08.2016. In the meanwhile, the petitioner was appointed as Principal on 20.05.2016 and he assumed charge on 01.06.2016 and his joining was also informed by the Management to the Government on 11.06.2016. But, till date, the proposal submitted by the Management has not been considered. Therefore, the petitioner has come up with this writ petition.

5.The grievance of the petitioner is that after unanimous resolution, a proposal, extending the service of the petitioner as Principal for a period of two years, has been sent to the Government through proper channel on 29.02.2016 and the College



Committee also resubmitted the proposal, furnishing detailed reason for granting such extension on 06.08.2016, but the first respondent has not granted approval for the reappointment of the petitioner as Principal of the third respondent College so far.

6.The learned Government Advocate appearing for the respondents 1 and 2 submitted that the second respondent sent the proposal to the first respondent for approval.

7.Having regard to the limited scope of relief made in this Writ Petition, without expressing any opinion on the merits of the matter, the Writ Petition is disposed of with a direction to the first respondent to consider the proposal submitted by the third respondent and pass orders on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Director of Collegiate Education,
Floor No.9, E.V.K.S. Sambath Maligai,
College Road, Nungambakkam,
Chennai - 600 006.

+ 1 CC TO Mr.T.ANTONY ARUL RAJ, ADVOCATE IN SR No. 54404

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 54153

SMN

TE/DB : 21/10/2016 : 3P/5C

ORDER MADE IN
W.P (MD) No.17891 of 2016
and

W.M.P (MD) No.12940 of 2016
20.09.2016