



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.5561 of 2016
and

W.M.P (MD) No.4982 of 2016

Dr.S.Chitra

...Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
Madurai Region, Madurai.

3.The Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai 6.

4.Alagappa Government Arts College,
Rep by its Principal
Alagappapuram, Karaikudi,
Sivagangai District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to join duty as per appointment order made in G.O.(MS) No.189 dated 22.07.2015 and posting order made in G.O.(Ms)No.250 dated 14.08.2015 with all consequential benefits.

For Petitioner : Mr.G.R.Swaminathan,
for Mr.T.Antony Arulraj

For Respondents : Mr.T.R.Janarthanam,
Additional Government Pleader.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents to permit the petitioner to join duty as per appointment order made in G.O.Ms.No.189, dated 22.07.2015 and posting order made in G.O.Ms.No.250, dated 14.08.2015 with all consequential benefits.

2.Heard the learned counsel for the petitioner. Mr.T.R.Janarthanam, learned Additional Government Pleader takes notice for the respondents.

3.The petitioner was employed as Assistant Professor in Seethalakshi Achi College for Women. According to the petitioner, the petitioner was participated in the recruitment process conducted by the Teachers Recruitment Board and required to produce no objection certificate from the said respondent college. The very participation of

the petitioner was based on the no objection certificate issued by the said college and the petitioner was issued an order of appointment and placed in NKR Government Arts College for Women at Namakkal District as per G.O.Ms.No.189, dated 22.07.2015 and subsequently, on request she was transferred to Alagappa Government Arts College, Karaikudi as per G.O.Ms.No.250, Higher Education Department (F2) dated 14.08.2015.

4.It is submitted that as the petitioner is now an appointee in the Government College, she has to necessarily furnish a relieving order from the erstwhile college. Despite very many requests, she has not been given relieving order. However, the said college issued the order, dated 14.10.2015 demanding the petitioner to repay the salary which she has received during her service in the college.

5.As she is not able to get the relieving order, W.P(MD)No.19093 of 2015 has been filed and this Court by an order dated 08.03.2016 directed the erstwhile College to issue the relieving order enabling her to join in the Government College, namely, the fourth respondent herein. After obtaining the said order, when the petitioner had approached the fourth respondent, she was not allowed to join duty. Hence, the petitioner has come up with the above writ petition.

6.Learned Additional Government Pleader appearing for the respondents submitted that there is a delay on the part of the petitioner in joining the college. Curiously to note that in the appointment order issued on 14.08.2015, there is no specific time period fixed for the petitioner to join the college. Besides when the earlier writ petition was filed, the fourth respondent was also made as a party and was aware of the difficulty faced by the petitioner in getting herself relieved from the erstwhile college. Further, there is no order passed recalling the appointment order issued in favour of the petitioner and therefore, there is no impediment for her to join the fourth respondent college. Hence, the fourth respondent is directed to permit the petitioner to join as per the appointment order dated 14.08.2015.

7.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.4982 of 2016 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)

To

- 1.The Director of Collegiate Education, College Road, Chennai.
- 2.The Joint Director of Collegiate Education, Madurai Region, Madurai.
- 3.The Teachers Recruitment Board, College Road, Nungambakkam, Chennai 6.
- 4.The Principal, Alagappa Government Arts College, Alagappapuram, Karaikudi, Sivagangai District.

+1cc to M/s.T.Antony Arulraj, Advocate in SR.15825

+1cc to the Special Government Pleader, in SR.16017

Writ Petition (MD) No.5561 of 2016

and W.M.P(MD)No.4982 of 2016

21.03.2016