

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.10158 to 10166 and 10168 of 2016

and

W.M.P.Nos.9033 to 9041, 9043 of 2016, 3702 to 3710 of 2017

MS.R.SELVASRI ... PETITIONER in WP.10158 of 2016
DR.P.MARY THANGAM ... PETITIONER in WP.10159 of 2016
MS.J.EBI SUJITHA ... PETITIONER in WP.10160 of 2016
MS.D.KIRUBA VELLAIYAMMAL ... PETITIONER in WP.10161 of 2016
MS.P.HELAN SOPHIYA ... PETITIONER in WP.10162 of 2016
DR.D.HERIN SHEEBA GRACELIN ... PETITIONER in WP.10163 of 2016
DR.V.MALIGIZA PRABA ... PETITIONER in WP.10164 of 2016
DR.I.GNANASELVI ... PETITIONER in WP.10165 of 2016
DR.K.JEBA ANANTHI ... PETITIONER in WP.10166 of 2016
MRS.P.ALICE RANI ... PETITIONER in WP.10168 of 2016

-Vs-

1. The State of Tamil Nadu,
Rep. By its Secretary,
Department of Higher Education,
Fort St. George, Chennai - 9.
2. Director of Collegiate Education,
College Road,
Chennai - 6.
3. Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
4. The Secretary,
Sarah Tucker College,
Tirunelveli District.

... Respondents in all W.Ps

W.P.No.10158 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Tamil from the date of initial appointment dated 17.3.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10159 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Economics from the date of initial appointment dated 14.3.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10160 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Mathematics from the date of initial appointment dated 15.4.2014 in a sanctioned post as per Rule 11(1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10161 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Tamil from the date of initial appointment dated 17.3.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10162 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus,

directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Tamil from the date of initial appointment dated 14.3.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10163 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Botany from the date of initial appointment dated 30.10.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10164 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Tamil from the date of initial appointment dated 18.03.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10165 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Mathematics from the date of initial appointment dated 03.12.2014 in a sanctioned post as per Rule 11(1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10166 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Botany from the date of initial

appointment dated 30.10.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

W.P.No.10168 of 2016 : Writ Petition filed under Article 226 of the Constitution of India, praying for Writ of Mandamus, directing the respondents 1 to 3 to approve the appointment of the petitioner in the post of Tamil from the date of initial appointment dated 17.03.2014 in a sanctioned post as per Rule 11 (1) of the Tamilnadu Private Colleges (Regulation) Rules, 1976 as per G.O.Ms.79 Higher Education Department dated 28.5.2012 of the 1st respondent and to consequently direct the respondents 1 to 4 to grant all benefits both service and monetary thereto on the basis of the 2nd respondents proceedings made in Na.Ka. No.21663/G3/2011 dated 13.11.2015.

For petitioner : Mr.L.Chandrakumar
for M/s.E.Martin Jayakumar

For R1 to R3 : Mr.M.Elumalai,
in all WPs Government Advocate

For R4 : Mr.G.SamedwinRai
in all WPs

COMMON ORDER

By way of filing these writ petitions, the petitioners seek a direction to the respondents 1 to 3 to approve them in their respective post from the date of their respective initial appointment in a sanctioned post as per Rule 11(1) of the Tamilnadu Private College (Regulation) Rules, 1976, as per G.O.Ms.No.79, Higher Education Department, dated 28.05.2012, of the first respondent, with a further direction to the respondents 1 to 4 to grant all the benefits both service and monetary thereto on the basis of the second respondent's proceedings made in Na.Ka.No.21663/G3/2011, dated 13.11.2015.

2. At the time admission, this Court, while issuing notice to the respondents, by order dated 18.03.2016, has granted interim direction directing the third respondent to pay the salary to the petitioners till the disposal of the writ petitions. Aggrieved by the non-compliance of the aforesaid interim order, the petitioners have filed Contempt Petition Nos.645 to 654 of 2017 seeking to punish the contemnors/respondents for their willful disobedience.

3. When the matter is taken up on 16.06.2017, during the contempt proceedings, while reporting compliance, learned Government Advocate for the respondents as well as the learned counsel for the petitioner, by producing a copy of the proceedings dated 14.06.2017 of the second respondent addressed to the third respondent, jointly submitted that the main prayer made by the petitioners in the writ petitions itself has been considered in the said proceedings.

4. Recording the above said submissions, since the main prayer made in the writ petitions itself has been considered by the respondents, the writ petitions are closed as no further adjudication is necessary. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of Higher Education,
Fort St. George,
Chennai - 9.
2. The Director of Collegiate Education,
College Road,
Chennai - 6.
3. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

W.P.Nos.10158 to 10166 and 10168 of 2016

SKV(CO)
CA(03/07/2017)