

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.12.2017
CORAM :
THE HONOURABLE Mr.JUSTICE T.RAJA
W.P.No.30297 of 2017

Mrs.P.Jaya Mary

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli-627 007.

3.The Correspondent/Secretary,
Scott Christian College,
Nagercoil-629 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 & 2 to approve the petitioner's appointment as Assistant Professor in Mathematics in the Scott Christian College, Nagercoil, in the sanctioned retirement vacancy of Dr.J.Blessed Singh with effect from 16.06.2017 in the light of approval given by the 1st respondent in the similarly placed persons in Na.Ka.No.712/F2/2017, dated 27.02.2017, Na.Ka.No.713/F2/2017, dated 27.02.2017, Na.Ka.No.714/F2/2017, dated 09.03.2017, Na.Ka.No.715/F2/2017, dated 07.03.2017 in W.A.No.2318 of 2011, dated 11.10.2013 with monetary and all other attendant and service benefits.

For Petitioner : Ms.R.Elizabeth

For Respondents : Mr.R.A.S.Senthilvel, AGP (For R1 & R2)
Mr.S.Bharathirajan (For R3)

ORDER

This writ petition has been filed seeking to issue a writ of mandamus directing the respondents 1 & 2 to approve the petitioner's appointment as Assistant Professor in Mathematics, in the Scott Christian College, Nagercoil, in the sanctioned retirement vacancy of Dr.J.Blessed Singh with effect from 16.06.2017 in the light of approval given by the 1st respondent

in the case of similarly placed persons in Na.Ka.No.712/F2/2017, dated 27.02.2017, Na.Ka.No.713/F2/2017, dated 27.02.2017, Na.Ka.No.714/F2/2017, dated 09.03.2017, Na.Ka.No.715/F2/2017, dated 07.03.2017 in W.A.No.2318 of 2011, dated 11.10.2013, with monetary and all other attendant and service benefits.

2.The learned counsel for the petitioner submitted that the petitioner has completed B.Sc., M.Sc., and M.Phil., and she has also passed the State Eligibility Test for Lectureship (SET). Thus, she stands qualified for the post of Assistant Professor as per UGC norms. On the basis of her qualification, the 3rd respondent-College appointed the petitioner as Assistant Professor in the department of Mathematics by proceedings dated 14.06.2017 in the retirement vacancy of one Dr.J.Blessed Singh, who retired on 31.05.2017. The petitioner has also joined duty on 16.06.2017. It is further claimed that the 3rd respondent-College sent a communication to the respondents 1 & 2 on 30.06.2017 seeking approval for the appointment of the petitioner as Assistant Professor.

3.It is stated that the 1st respondent vide his proceedings in Pa.Mu.No.42095/F4/99, dated 12.10.2015 has given permission to fill up the vacancies that arose in the vacant posts of the year 1999-2000 on or before 31.03.2000. In the said proceedings, the number of sanctioned posts of Assistant Professor in Mathematics for the year 1999-2000 has been set out as 9 and the petitioner is one among the said nine posts.

4.Mentioning all these things, a proposal has been sent on 30.06.2017 to the 1st respondent, reiterating the stand that the petitioner was appointed in the retirement vacancy of Dr.J.Blessed Singh, who retired on 31.05.2017, along with two other Assistant Professors. But till date, the respondents 1 & 2 have not come forward to consider the said proposal.

5.Mr.R.A.S.Senthilvel, learned Additional Government Pleader, took notice of the respondents 1 & 2 and Mr.S.Bharathirajan, learned counsel took notice for the 3rd respondent.

6.A perusal of the proceedings dated 12.10.1999 issued by the 1st respondent would show that nine posts of Assistant Professor in Mathematics Department were already sanctioned for the year 1999-2000, for the 3rd respondent-college. Since the petitioner has been appointed in the sanctioned retirement vacancy, this Court finds no hesitation to direct the respondents to consider the proposal sent by the College.

7.Accordingly, the respondents 1 & 2 are hereby directed to consider the proposal sent by the 3rd respondent-College and

pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. It is needless to mention that the respondents shall also clear the arrears of salary to the petitioner as well.

With the above direction, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssv

To

1.The Director of Collegiate Education,
College Road,
Chennai-600 006.

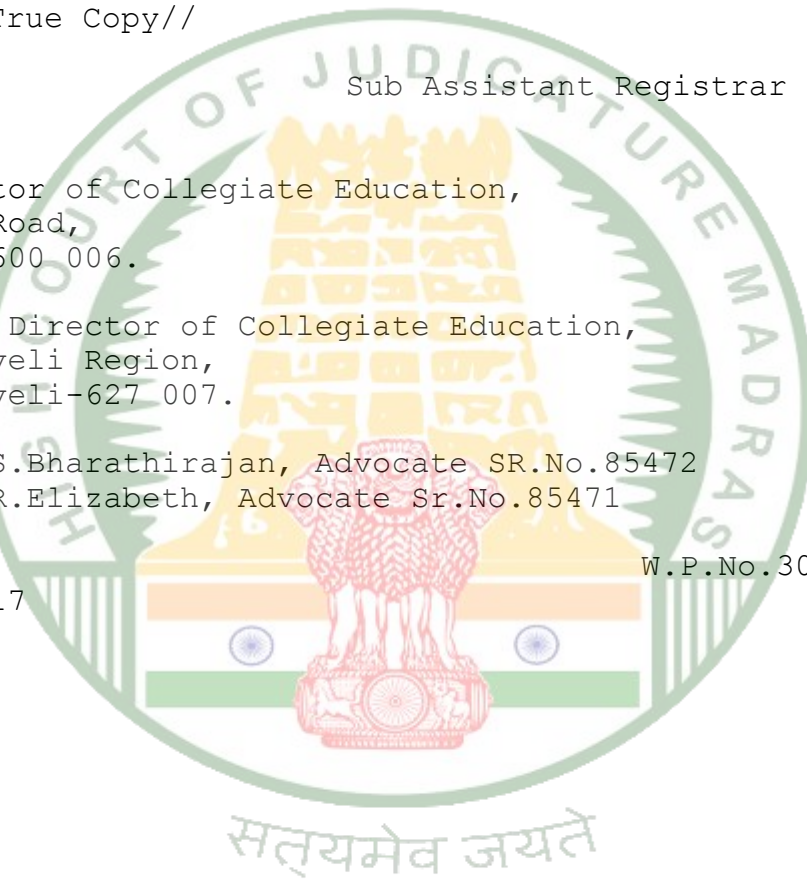
2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli-627 007.

+lcc to Mr.S.Bharathirajan, Advocate SR.No.85472

+lcc to Mr.R.Elizabeth, Advocate Sr.No.85471

W.P.No.30297 of 2017

sm:29.12.2017



WEB COPY