

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.01.2017

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.315 of 2017

Dr.Tmt.Dalin Mary

... Petitioner

-Vs-

1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.
 2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
 3. The Principal,
St.Jude's College,
Thoothoor - 629 176.
Kanyakumari District
- ...Respondents.

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st respondent to pass orders on the Appeal Petition submitted by the petitioner dated 12.11.2016 and to pass orders to accord approval of appointment of the petitioner in the post of Assistant Professor in Zoology in the 3rd respondent College with effect from 16.06.2014 with all consequential and other attendant benefits including arrears of salary with interest, within a stipulated time to be fixed by this Honourable Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Dhananjayan,

Special Government Pleader
for R1 and R2.

O R D E R

By consent, the writ petition is taken up for final disposal.

2. Mr.K.Dhananjayan, learned Special Pleader accepts notice on behalf of the respondents 1 and 2.

3. The petitioner is having qualification of M.Sc., B.Ed., M.Phil., and Ph.D., in Zoology and she was appointed as Assistant Professor in Zoology in the service of the 3rd respondent which is a Government Aided Minority Institution with effect from 21.02.2009. By proceedings of the 3rd respondent dated 20.02.2009, based on the resolution passed by the Educational Institution, the petitioner was accommodated in the vacancy that arose due to the promotion given to Dr.P.Murphy Alexander as Principal and necessary proposal for according the approval in respect of the petitioner's appointment was also forwarded to the 2nd respondent. Since no order has been passed, the petitioner filed W.P.No.15645 of 2013 and this Court has passed an order dated 26.02.2013 to consider the representation of the petitioner and pass orders for approval within a stipulated time. In pursuant to the same, the 2nd respondent has passed order dated 06.04.2014 rejecting the claim for approval of the petitioner. Once against the petitioner made a challenge in by filing a writ petition in W.P.(MD).No.6995 of 2014 and also submitted a representation dated 22.08.2014 to the 1st respondent. The Madurai Bench of this Court, by order dated 07.11.2014 directed the 1st respondent to pass orders on the appeal/representation submitted by the petitioner within a stipulated time and since it was not complied with, the petitioner filed Contempt Petition and thereafter, the 1st respondent passed an order dated 24.11.2015 approving her appointment in the post of Assistant Professor, Zoology with effect from 24.11.2015. The grievance expressed by the petitioner is that the approval should have been done from the date of her appointment i.e., from 31.05.2014. In this regard, she submitted a representation dated 12.11.2016 through proper channel to the respondents. Since no orders have been passed, she came forward to file this writ petition.

4. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2.

5. Though the petitioner prays for a large relief, this Court, in the light of the facts and circumstances and without going into merits of the claim projected by the petitioner, directs the first respondent to consider and dispose of the petitioner's representation dated 12.11.2016, on merits and in

accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsi

To

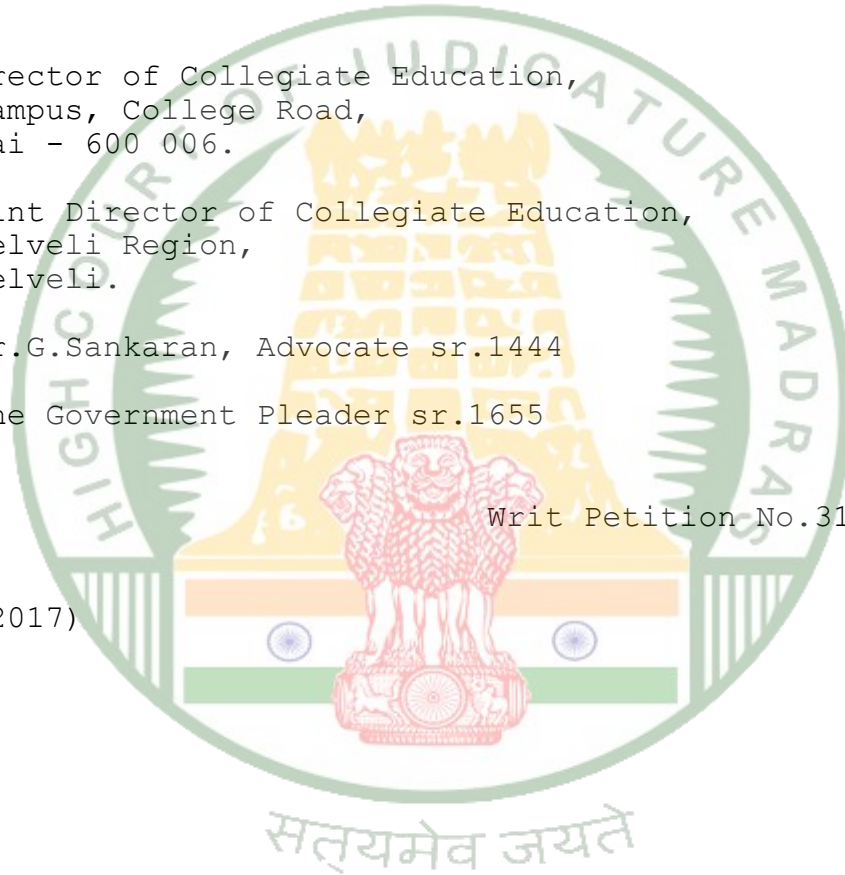
1. The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1cc to Mr.G.Sankaran, Advocate sr.1444

+1cc to The Government Pleader sr.1655

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kgk(co)
ss(30/01/2017)



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