

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM :

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.31659 of 2017

Dr.T.Subitha

... Petitioner

Vs.

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

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

3.The Secretary,
Nesamony Memorial Christian College,
Marthandam.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent herein to approve and regularize the petitioner's appointment as Assistant Professor in English in the Nesamony Memorial Christian College, Marthandam, in the sanctioned retirement vacancy of Mr.S.Russel Raj with effect from ***13.06.2007** in the light of the approval given by the 1st respondent to the similarly placed persons Dr.N.Austin John Manohar in Na.Ka.No.35049/F2/2016 dated 27.07.2017 and Na.Ka.No.33733/F2/2005, dated 01.09.2014 in W.P.No.17368 of 2005 dated 29.06.2005, W.A.Nos.140, 811 of 2006 and 805 of 2007 and in SLP.No.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the representation dated 23.01.2017 given by the petitioner.

For Petitioner : Mr.A.V.Bharathi

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl GP (For R1 & R2)
Mr.S.Bharathirajan (For R3)

ORDER

This writ petition has been filed seeking to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 23.01.2017, requesting to approve and regularize the petitioner's appointment as Assistant Professor in English in the Nesamony Memorial Christian College, Marthandam, in the sanctioned retirement vacancy of Mr.P.V.Philipose with effect from ***13.06.2007** in the light of the approval given by the 1st respondent to the similarly placed persons.

2.The learned counsel for the petitioner submitted that the petitioner is possessing M.Sc., M.hil., Ph.D. Considering the qualification acquired by the petitioner, the 3rd respondent has appointed the petitioner as Assistant Professor (English) with effect from ***13.06.2007** in the retirement vacancy of one Mr.S.Russel Raj. Thereafter, the 3rd respondent-College has sent a proposal to the 1st respondent for approval of the appointment of the petitioner. By order dated 28.06.2016, the respondents have granted approval to the appointment of the petitioner only with effect from 11.01.2016. Aggrieved by not granting approval from the date of her appointment, the petitioner has made a representation dated 23.01.2017. The said representation has not been considered by the respondents till date. Placing reliance on the order passed by this Court in W.P.No.3311 of 2016, (Dr.R.Joshily Vs. The Directorate of Collegiate Education and others), dated 22.02.2016, wherein the appointment of similarly placed person was approved with effect from the date of her appointment, the learned counsel for the petitioner sought for a direction to consider the representation of the petitioner seeking approval of her appointment with effect from the date of her appointment.

3.Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who took notice for the respondents 1 & 2, sought for six weeks time to consider the pending representation of the petitioner.

4.Considering the limited prayer, without going into the merit, this Court directs the 1st respondent to consider the representation dated 23.01.2017 given by the petitioner and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar(CS VI)
dt.13.12.2017

*As per order of this court dated:12.1.2018
issued fresh order copy already
despatched on 15.12.2017

Sd/-
Assistant Registrar(CS VII)
dt.23.1.2018

True Copy

Sub-Assistant Registrar

To

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

To be substituted
order copy already
despatched on
15.12.2017

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

+1 CC to Mr.A.V.Bharathi, Advocate sr 86991.
+1 CC to Mr.S.Bharathirajan, Advocate sr 86509.
+1 CC to Govt. Pleader sr 87444.

W.P.No.31659 of 2017

SP.14.12.2017
sm:23.1.2018

सत्यमेव जयते

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