

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM:

THE HONOURABLE JUSTICE MR.T.RAJA

W.P.No.14269 of 2017

Dr.J.Subitha Persis

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep by its Secretary,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

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

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 007.

4.The Secretary,
Women's Christian College,
College Road, Nagercoil - 629 001.
Kanyakumari District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents herein to approve and regularize the petitioner's appointment as Assistant Professor in English in the Women's Christian College, Nagercoil, in the sanctioned retirement vacancy of Mrs.Indra Alexander with effect from 01.12.2003 to 24.08.2007 in the light of the approval given by the 2nd respondent to other similarly placed person in Na.Ka.No.5099/F2/2016 dated 05.07.2016. Na.Ka.No.4594/F2/2016 dated 05.05.2016, Na.Ka.No.33733/F2/2005 dated 01.09.2014 as per order made in W.P.No.17368 of 2005 dated 29.06.2005, in W.A.Nos.140, 811 of 2006 and 809 of 2007 and in S.L.P.Nos.19526 to 19528 of 2013 with monetary benefit (excluding the salary for the periods from 06.07.2005 to 24.08.2007) and service and all other benefits for the said period.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.P.Sanjay Gandhi,
Additional Government Pleader for R1-R3
Mr.S.Bharathi Rajan for R4

O R D E R

The petitioner is serving as a lecturer in the Department of English, (Self-Finance), Women's Christian College, Nagercoil with effect from 01.12.2003, pursuant to the order of appointment dated 19.11.2003. After the proposal sent by the fourth respondent-Women's Christian College to Manonmaniam Sundaranar University, Tirunelveli seeking approval, the same was granted only from 25.08.2007, instead of from the initial date of appointment namely, 01.12.2003.

2.Under similar circumstances, for not granting approval of appointment from the date of initial appointment, several other similarly placed persons approached this Court and in one such Writ Petition No.2826 of 2016, this Court by order dated 22.02.2016, considering the factor that the lecturer therein was appointed prior to the grant of approval of appointment, issued a direction to the first respondent to consider and dispose of the representation and regularise the service of the petitioner therein with effect from the date of initial appointment within a period of six weeks. Therefore, the learned counsel appearing for the petitioner prayed for a similar order in this writ petition.

3.Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents sought six weeks time to consider the petitioner's representation.

4.As the petitioner was appointed temporarily as a lecturer in the Department of English, Self-Finance Women's Christian College, as per the salary structure fixed by the Management for self financing teaching staff, when a proposal was sent by the fourth respondent-college to the Manonmaniam Sundaranar University, Tirunelveli seeking approval of her appointment, the same has been granted only with effect from 25.08.2007, instead of from the date of initial appointment namely, 01.12.2003. In similar circumstances, when a similar placed person approached this Court in W.P.No.2826 of 2016, while entertaining the writ petition, I have passed the following order:

"5.The learned Additional Government Pleader, also taking instructions from the Director of Collegiate Education (F.A.C.), Chennai, by letter in

R.C.No.4594/F2/2016 dated 15.02.2016, submitted that petitioner's representation would be considered in accordance with the Tamil Nadu Private College Regulations and Rules, 1976. He also sought time to consider and dispose of the petitioner's representation dated 09.04.2015.

6.On mere perusal of the above observation it clearly shows that the first respondent, while granting approval to the petitioner's appointment, in my considered view, ought to have approved her appointment with effect from 16.08.2000. Since, in 01.08.2007, this Court hereby directs the first respondent to consider and dispose of the petitioner's representation dated 09.04.2015 and regularise the service of the petitioner from 16.08.2000 and to pay the salary and other benefits with effect from 16.08.2000, within a period of six weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of accordingly. No costs."

5.In view, thereof, this Court finds no impediment to direct the second respondent to consider the representation of the petitioner, dated 10.04.2017 and accordingly the second respondent is hereby directed to consider the representation of the petitioner dated 10.04.2017 and regularise the services of the petitioner from 01.12.2003 and pay the salary and other benefits with effect from 01.12.2003 and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

maya/ss

Index:Yes/No

To

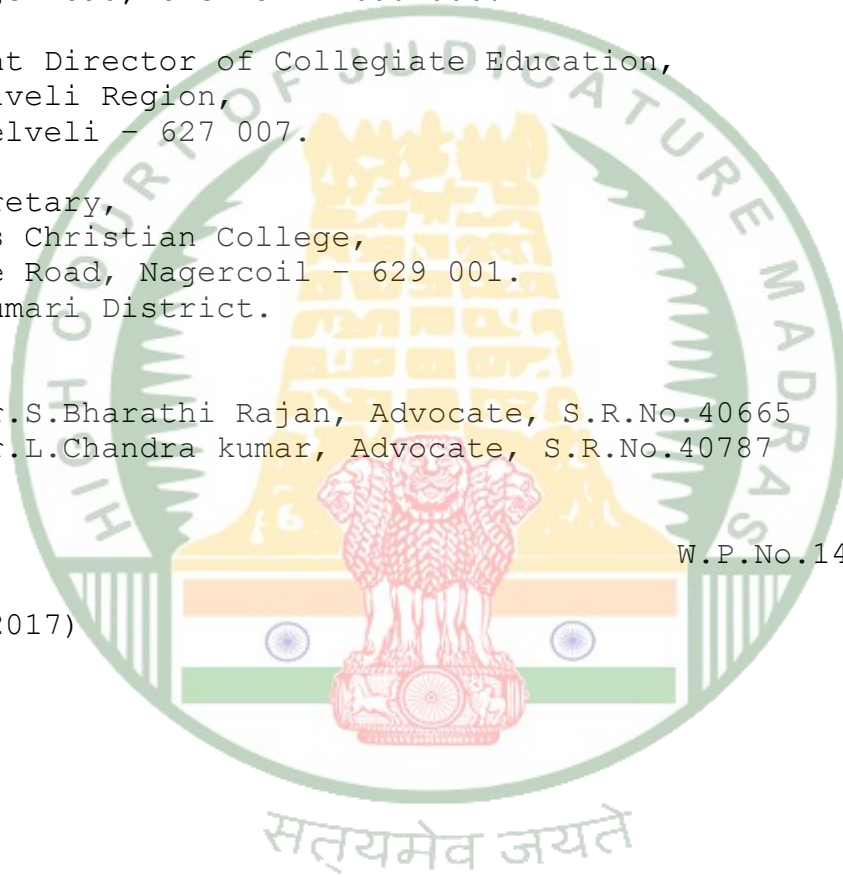
- 1.The Secretary,
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Kanyakumari District.

+1cc to Mr.S.Bharathi Rajan, Advocate, S.R.No.40665

+1cc to Mr.L.Chandra kumar, Advocate, S.R.No.40787

W.P.No.14269 of 2017

NR (CO)
RS (16/06/2017)



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