

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2017

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.14675 to 14680 of 2017

Dr. T. Sarveswaran	Petitioner in WP No.14675 of 2017
Dr. N. Narayana Moorthy	Petitioner in WP No.14676 of 2017
Dr. R. Sankaranarayanan	Petitioner in WP No.14677 of 2017
Dr. K. Angaleeswari	Petitioner in WP No.14678 of 2017
Dr. R. Gopalasundar	Petitioner in WP No.14679 of 2017
C. Yuvaraj	Petitioner in WP No.14680 of 2017

vs.

- 1 The State of Tamil Nadu
represented by the 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
Madurai Region
Madurai 627 007
 - 4 The Secretary
Saraswathi Narayanan College
Perungudi
Madurai 625 022
- Respondents

Prayer in W.P. No.14675 of 2017

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to approve the petitioner's appointment as Assistant Professor in Physics in the fourth respondent Saraswathi Narayanan College in the sanctioned termination vacancy of S. Mahalakshmi with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on W.A. No.2318 of 2011, P. Ravichandran vs. the State of Tamil Nadu dated 11.10.2013 and with monetary and all other attendant and service benefits.

Prayer in W.P. No.14676 of 2017

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to approve the petitioner's appointment as Assistant Professor in Physics in the fourth respondent Saraswathi Narayanan College in the sanctioned retirement vacancy of Dr. B. Azhagarsami with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on W.A. No.2318 of 2011, P. Ravichandran vs. the State of Tamil Nadu dated 11.10.2013 and with monetary and all other attendant and service benefits.

Prayer in W.P. No.14677 of 2017

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to approve the petitioner's appointment as Assistant Professor in Physics in the fourth respondent Saraswathi Narayanan College in the sanctioned retirement vacancy of Dr. K. Rajagopal with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on W.A. No.2318 of 2011, P. Ravichandran vs. the State of Tamil Nadu dated 11.10.2013 and with monetary and all other attendant and service benefits.

Prayer in W.P. No.14678 of 2017

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to approve the petitioner's appointment as Assistant Professor in Mathematics in the fourth respondent Saraswathi Narayanan College in the sanctioned retirement vacancy of Dr. P. Thangaraju with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on W.A. No.2318 of 2011, P. Ravichandran vs. the State of Tamil Nadu dated 11.10.2013 and with monetary and all other attendant and service benefits.

Prayer in W.P. No.14679 of 2017

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to approve the petitioner's appointment as Assistant Professor in Economics in the fourth respondent Saraswathi Narayanan College in the sanctioned retirement vacancy of Mr. P. Balasubramanian with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on W.A. No.2318 of

2011, P. Ravichandran vs. the State of Tamil Nadu dated 11.10.2013 and with monetary and all other attendant and service benefits.

Prayer in W.P. No.14680 of 2017

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents 1 and 2 to approve the petitioner's appointment as Physical Education Director in the fourth respondent Saraswathi Narayanan College in the sanctioned retirement vacancy of Dr. G. Chokkanathan with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on W.A. No.2318 of 2011, P. Ravichandran vs. the State of Tamil Nadu dated 11.10.2013 and with monetary and all other attendant and service benefits.

For petitioner
in all the WPs Mr. L. Chandrakumar

For RR 1-3 Mr. P. Sanjay Gandhi
in all the WPs Addl. Govt. Pleader

COMMON ORDER

Mr. P. Sanjay Gandhi, learned Additional Government Pleader, accepts notice for respondents 1 to 3.

2.1 While the petitioners in W.P.Nos. 14675 to 14677 of 2017 are Assistant Professors in Physics, the petitioners in W.P. Nos.14678, 14679 and 14680 of 2017 are Assistant Professor in Mathematics, Assistant Professor in Economics and Physical Education Director in the fourth respondent college. Except the petitioner in W.P. No.14675 of 2017, all the other petitioners have sought a direction to respondents 1 and 2 to approve their respective appointment in the retirement vacancies with effect from 28.04.2017 in the light of approval given by the second respondent to the similarly placed persons like Dr.M.Lakshmanamoorthy and 7 others in Na.Ka.No.33905/G4/2015 dated 13.01.2017 based on the order dated 11.10.2013 passed by this Court in P. Ravichandran vs. the State of Tamil Nadu (W.A.No.2318 of 2011) and with monetary and all other attendant and service benefits. The petitioner in W.P.No.14675 of 2017 has sought a direction to respondents 1 and 2 to approve his appointment in the termination vacancy. While the petitioner in W.P.No.14680 of 2017 is a holder of B.Com. degree, the other petitioners are holders of post graduate and doctorate degrees in their respective subjects.

2.2 The petitioners, in response to the notification published in the New Indian Express, Madurai Edition dated

28.12.2016, calling for eligible candidates for the post of Physical Education Director and Assistant Professor in various departments like Physics, Economics and Mathematics, applied for the same. Pursuant thereto, the Selection Committee of the fourth respondent college called the petitioners for interview and since all the petitioners were found successful in the interview, they were appointed in the respective post in the fourth respondent college with effect from 28.04.2017 and the Secretary of the fourth respondent college also issued appointment orders to the petitioners in the sanctioned termination/retirement vacancy, as the case may be. But, the petitioners' grievance is that they have not been paid with salary from the Management's funds since the Education Department has not approved their appointment till now.

2.3 It is the petitioners' further case that the fourth respondent college has sent proposals dated 08.05.2017 to the second respondent seeking approval of their appointment, but, till date, the second respondent has not passed orders on the said proposals and hence, the present writ petitions seeking the aforesaid relief.

3 The learned counsel for the petitioners would submit that on 28.10.1999, the Director of Collegiate Education, Chennai, granted permission to fill up vacancies which arose in the vacant posts of the year 1999-2000 on or before 31.03.2000, making it clear that the number of sanctioned posts of Assistant Professor in Physics for the year 1999-2000 is 7.

4 A perusal of the aforesaid proceedings dated 28.10.1999 would show that there are 7 sanctioned posts of Assistant Professor in Physics in the fourth respondent college. Besides, it is seen from records that the third respondent also inspected and verified the workload of the fourth respondent college and the same was accepted by the second respondent. It could also be seen from records that the third respondent has also sent a communication/proposal dated 08.05.2017 to the second respondent with regard to the fixation of staff strength as per the workload with a request to grant permission to fill up the existing vacancies as per rules.

5 In view of the above, the second respondent is directed to consider the proposals dated 08.05.2017 submitted by the fourth respondent college along with the proceedings issued by the third respondent recommending the proposals with regard to fixation of staff strength as per the workload and pass orders on the petitioners' proposals, in the light of the order dated 11.10.2013 passed by this Court in W.A. No.2318 of 2011, within a period of eight weeks from the date of receipt of a copy of this order.

These writ petitions stand disposed of with the above direction. Costs made easy.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

cad

To

- 1 The Secretary
Higher Education Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Director of Collegiate Education
College Road
Chennai 600 006
- 3 The Joint Director of Collegiate Education
Madurai Region
Madurai 627 007

+6 Ccs to Mr.L. Chandrakumar, Advocate sr 44968
+1 CC to The Govt. Pleader sr 44761

W.P. Nos.14675 to 14680 of 2017

BR(CO)
sp(18/07/2017)

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