

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29656 of 2017

Dr.(Mrs.) I.Farida

.. Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary
Department of Higher Education
Fort St.George
Chennai 600 009
2. The Director of Collegiate Education
College Road
Chennai 600 006
3. The Joint Director of Collegiate Education
Chennai Region
Saidapet
Chennai 600 015
4. The University of Madras
rep.by its Registrar
Chepauk
Chennai 600 005
5. The Correspondent
Justice Basheer Ahmed Sayeed
College for Women (Autonomous)
Teynampet
Chennai 600 018

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the third respondent Joint Director of Collegiate Education to approve forthwith the appointment of the petitioner as Assistant Professor in Commerce in the fifth respondent College with effect from the date of her appointment viz., 15.06.2015 and release the salary and other benefits with effect from the date of her appointment.

For Petitioner : Mr.P.Godson Swaminath
for M/s Isaac Chambers

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for R1 to 3

ORDER

The petitioner was originally appointed as Lecturer in Commerce subject, which is a self finance course, in the fifth respondent college on 15.7.96. As it is a recognised religious minority institution in terms of Article 30(1) of the Constitution, it is pleaded that the fifth respondent college is entitled to fill up the vacancies in the sanctioned teaching posts without prior approval. However, in the present case, the second respondent-Director of Collegiate Education, in his proceedings bearing Na.Ka.No.21663/G3/2011 dated 31.3.2015 granted permission to the fifth respondent college to fill up various sanctioned posts viz., 30 teaching posts, pursuant to G.O.Ms.No.79, Higher Education (E2) Department dated 28.5.2012. On the basis of such permission, the fifth respondent college appointed the petitioner as Assistant Professor on 15.6.2015 in the Department of Commerce. Thereafter, the fifth respondent college also moved the University of Madras, the fourth respondent herein seeking qualification approval and the same was also granted by proceedings dated 28.12.2015 in favour of the petitioner. Subsequently, a proposal was sent by the fifth respondent college to the Joint Director of Collegiate Education on 30.12.2015 seeking approval of the appointment of the petitioner, in the place of Mrs.A.N.Meenakshi, Selection Grade Lecturer, Commerce Department, who retired from service on 28.2.2005, a post which was sanctioned by the Director of Collegiate Education in the order dated 31.3.2015. In spite of granting permission to fill up the post of Assistant Professor in Commerce Department in the fifth respondent college coupled with the qualification approval granted by the University of Madras on 28.12.2015, the order of approval has not been granted. Therefore, a direction is sought for.

2. The learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3.

3. Admittedly, the Director of Collegiate Education, in his proceedings dated 31.3.2015, had granted sanction in favour of the fifth respondent college to fill up 30

teaching posts, which are given as under:-

Sl.No.	Subject	Sanctioned posts
1	English	5
2	Political Science	2
3	Economics	3
4	Commerce	3
5	Arabic	1
6	Tamil	2
7	French	1
8	Hindi	2
9	Organic Chemistry	1
10	Home Science	5
11	Biology	1
12	Psychology	4
	Total	30

4. Pursuant thereto, the fifth respondent college, which is a minority religious institution receiving grant-in-aid from the State Government, has sent the proposal, making it clear that the petitioner Dr.(Mrs.) I.Farida, having passed M.Com., M.Phil (Commerce) from University of Madras and Ph.D from Mother Teresa Women's University, is appointed temporarily as Assistant Professor in Commerce Department in the Justice Basheer Ahmed Sayeed College for Women (Autonomous), Chennai in the regular vacancy caused due to the retirement of Mrs.A.N.Meenakshi, Lecturer of Commerce Department on 28.2.2005. Another proceeding issued by the University of Madras dated 28.12.2015 also shows the qualification approval granted in favour of the petitioner. Therefore, the proposal forwarded by the fifth respondent college to the Joint Director of Collegiate Education, Chennai on 30.12.2015, in my considered opinion, cannot be kept pending, for the reason that the petitioner, who was appointed on 15.6.2015, is not being paid with the salary for quite a long time. Hence, this Court finds no impediment to direct the respondents 1 to 3 to consider the proposal made by the fifth respondent college on 30.12.2015 for granting approval of the appointment of the petitioner with effect from 15.6.2015, in the light of the sanction order issued by the Director of Collegiate Education, Chennai dated 31.3.2015 along with the order granting qualification approval by the University of Madras dated 28.12.2015, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this

order. Needless to mention that the respondents 1 to 3 shall also release the salary along with arrears from the date of her appointment. The writ petition stands allowed. Consequently, W.M.P.No.31955 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
Department of Higher Education
Fort St.George
Chennai 600 009
 2. The Director of Collegiate Education
College Road
Chennai 600 006
 3. The Joint Director of Collegiate Education
Chennai Region
Saidapet
Chennai 600 015
 4. The Registrar
University of Madras
Chepauk
Chennai 600 005
- +1cc to M/s.Isaac Chambers, Advocate, S.R.No. 82285
+1cc to the Government Pleader, S.R.No. 82896

W.P.No.29656 of 2017

MR(CO)

RRK(04/12/2017)