



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 14286 of 2017

A. Pramila Inba Rose

... Petitioner

Vs.

1. The Government of Tamilnadu
represented 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 627 001.

4. The Secretary - cum - Correspondent,
Nesamony Memorial Christian College,
Marthandam 629 165,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent herein to approve and regularize my appointment as Lecturer in Mathematics in the Nesamony Memorial Christian College, Marthandam, in the sanctioned retirement vacancy of Mr. M. Vedamuthu with effect from 07.09.1998 to 29.10.1999 in the light of approval given by the second respondent to the similarly placed persons in R.C.No.13227/F2/2014 dated 12.11.2014 by considering the representation dated 28.08.2008 and followed by reminder dated 11.01.2012 and 06.05.2016 with all attended, service and monetary benefits.

For Petitioner : Mr. V. Paneer Selvam

For Respondents : Mr. R. Karthikeyan

Additional Government Pleader

O R D E R

The petitioner filed the writ petition to direct the second respondent to approve and regularize the appointment of the petitioner as Lecturer in Mathematics in Nesamony Memorial Christian College, Marthandam, in the sanctioned retirement vacancy of Mr.M.Vedamuthu with effect from 07.09.1998 to 29.10.1999, in the light of approval given by the second respondent to the similarly placed persons in R.C.No.13227/F2/2014, dated 12.11.2014, by considering the representation dated 28.08.2008 and followed by reminder dated 11.01.2012 and 06.05.2016 with all attendant, service and monetary benefits.

2. The petitioner was appointed as a Lecturer in Mathematics subject in the fourth respondent College viz., Nesamony Memorial Christian College, Marthandam, on 07.09.1998. On the same day, the petitioner also joined duty as a Lecturer in a sanctioned vacancy arising on account of the retirement of one Mr.M.Vedamuthu. Immediately after filling up of the sanctioned post of Lecturer in Mathematics, the fourth respondent College forwarded the name of the petitioner for approval of her appointment along with all necessary documents to the second respondent, the Director of Collegiate Education, Chennai, through the third respondent. The second respondent approved the appointment of the petitioner as a Lecturer with effect from 30.10.1999. Since the petitioner was appointed as a Lecturer on 07.09.1998, he has given one more representation to approve the appointment of the petitioner from the date of his initial appointment i.e., on 07.09.1998, but the same is pending consideration.

3. The learned counsel appearing for the petitioner would submit that the Manonmanium Sundaranar University in their proceedings dated 07.12.1999, has approved the qualification of the petitioner for the said post on 28.10.1999. Based on the qualification approval granted by the Manonmanium Sundaranar University, the second respondent has approved the appointment of the petitioner as a Lecturer in the fourth respondent College with effect from 30.10.1999. Aggrieved by the non-approval of appointment from the date of his initial appointment, a representation was given stating that when the petitioner was admittedly appointed in a sanctioned post caused by a retirement of one Mr.M.Vedamuthu, on 07.09.1998, the petitioner having been appointed on 07.09.1998, she is entitled to get the benefit of approval of appointment from the date of his initial appointment in a sanctioned post. Therefore, either the Manonmanium Sundaranar University or the second respondent cannot restrict the grant of approval to their whims and fancies.



4. The learned Additional Government Pleader appearing for the respondents submitted that if the petitioner was appointed in a sanctioned post as a Lecturer in Mathematics subject in the fourth respondent College, the proposal sent by the fourth respondent College dated 23.08.2011 will be again looked into and based on which, the petitioner's representation will be considered.

5. In view of the above, the second respondent is directed to consider the proposal dated 23.08.2011, sent by the fourth respondent through the third respondent, along with the representation of the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. 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,
Tirunelveli Region, Tirunelveli 627 001.
 4. The Secretary - cum - Correspondent,
Nesamony Memorial Christian College,
Marthandam 629 165, Kanyakumari District.
- +One cc to M/s.V.Panneer Selvam, Advocate, SR.No.72868
+One cc to The Special Government Pleader, SR.No.72907

akv
RL/7C/3P/JC/SAR1/5/10/2017

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