



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 14783 of 2017

P. Nixon Dhas

... Petitioner

Vs.

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

2. The Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

3. The Principal,
St. Jude's College,
Thoothoor-629 176,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the Appeal Petition submitted by the petitioner dated 30.05.2016 based on the report submitted by 2nd respondent in Na.Ka.No.9960/E3/2015 dated 14.12.2016 and consequently to appoint the petitioner in the regular vacancy to the post of Assistant Professor in Commerce in 3rd respondent College with effect from 23.09.2014, within a time frame to be fixed by this Court.

For Petitioner : Mr. G. Sankaran

For Respondents : Mr. K. Guru
Additional Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3. The petitioner was appointed in the third respondent College and thereafter he joined the post on 03.10.2008, as he was fully qualified to the post of Lecturer in the Commerce Department, as per the UGC Regulations, he was allowed to continue in service.

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4. It is stated by the learned counsel for the petitioner that after ousting the petitioner from service on 28.11.2011, he was allowed to continue on the same day on the ground that he was entitled for absorption into regular vacancy as and when, it would arise with priority right. Since one Mr.C.Symon retired from the post of Assistant Professor in Commerce on 01.06.2013, the petitioner claims to be entitled for regular appointment in the regular vacancy. In this background, the petitioner's case was not considered and therefore, he came to this Court with a Writ Petition No.7011/2015 seeking a writ of Mandamus to direct the respondents therein to consider his representation dated 05.10.2014 and to appoint him in the regular vacancy for the post of Assistant Professor in Commerce Department of the 3rd respondent College. This Court, vide order dated 28.04.2015, directed the respondents 2 and 3 therein to consider the representation dated 05.10.2015 by passing appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of the order.

5. Thereafter, the first respondent passed an order on 15.03.2016 rejecting his claim on the ground that the College is under direct payment as per G.O.Ms.No.1021 dated 02.07.1984 passed by the first respondent. Aggrieved by the said order, the petitioner has filed an appeal/review before the very same respondent bringing out certain vital aspects, which were not considered. During the pendency of the appeal/review, a report has also been called for from the 2nd respondent, who has also submitted a report on 14.12.2016 recommending the case of the petitioner for appointment.

6. In view of the above, the first respondent is directed to consider the appeal/review of the petitioner in the light of the report dated 14.12.2016 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(Protocol)

/True Copy/



To

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

2.The Regional Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.

+1cc to Mr.G.Sankaran, Advocate in SR.No.71797

+1cc to The Special Government Pleader in SR.No.72036

RR

AE/MR KKR/SAR3/23.08.2017/3P/5C

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