

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 24.11.2017****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P(MD)No.20045 of 2017**

Thiagarajar College of Perceptors
Thirupparankundram
Madurai - 09.
rep. by its Secretary

... Petitioner

Vs.

1. The Director of Collegiate Education,
9th Floor, EVK Sampath Palace,
College Road,
Chennai.

2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

... Respondents

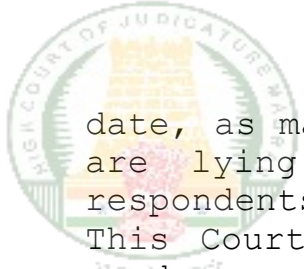
Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's last representation dated 11.08.2017 seeking permission to fill up the sanctioned posts lying vacant in the college and to issue necessary proceedings on merits and in accordance with law within a period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.D.Muruganantham, AGP

O R D E R

The petitioner is a Teacher Training College. It is receiving grant-in-aid from the State Government. The College has been functioning for more than 60 years. The institution is being run only on charitable lines. For the current year 2017 - 2018, the total student strength is 171. Earlier B.Ed. Course had a duration of one year. Now it has become two years' course. By proceedings dated 10.06.1977, the petitioner institution had been sanctioned with 9 teaching staff and 13 non teaching staff. As on



date, as many as 4 teaching vacancies and 9 non teaching vacancies are lying vacant. The petitioner has been writing to the respondents seeking permission to fill up the said vacancies. This Court has held on more than one occasion that there is no need or necessity to obtain prior permission for filling up vacancies in sanctioned posts. But, it is a matter of record that whenever the educational agencies fill up such sanctioned vacancies and submit the proposals for approval, the authorities invariably return them on the ground that prior permission has to be obtained. Therefore, by way of abundant occasion, this writ has been filed.

2.This Court issued notice to the respondents. The matter was listed on quite a few occasions earlier. On 22.11.2017, I directed the learned Additional Government Pleader to get instructions and I made it clear that final orders would be passed in the writ petition today.

3.The learned Additional Government Pleader on instructions submitted that the petitioner is a recognized institution and that the vacancies mentioned in the writ petition are sanctioned ones. Therefore, there cannot be any impediment for granting permission to the petitioner to fill up the said sanctioned post, which are lying vacant.

4.As pointed out by the learned counsel for the petitioner, the B.Ed. Course has now become a two years' course. Therefore, it is all the more imperative that the vacancies are immediately filled up. That alone would be in the interest of the students. The petitioner institution has a right to fill up the vacancies in the sanctioned post. It is the duty of the respondent to grant the permission sought for.

5.Of course, the petitioner must follow the procedure established by law while filling up the post. Basic ingredients for issuing a writ of mandamus are very much present in this case. As already pointed out, the petitioner has given representation on innumerable occasions. In all these representations, the details have been spelt out. But, the first respondent has not chosen to respond. That is why the petitioner has been impelled to file this petition. Since the facts are not in dispute, there is no necessity to direct the first respondent to dispose of the representation. On the other hand, the petitioner has made out a case for issuance of a positive direction. This Court therefore directs the first respondent to permit the petitioner to fill up the sanctioned posts lying vacant in the petitioner's college. The first respondent shall issue appropriate proceedings in this regard within a period of four weeks from the date of receipt of a



6.This writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(Cs-I)

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/True Copy/

Sub Assistant Registrar

To

1. The Director of Collegiate Education,
9th Floor, EVK Sampath Palace,
College Road, Chennai.
2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

+1cc to Mr.M.Jerin Mathew, Advocate Sr.No.89500
+1cc to Spl.Government Pleader Sr.No.89889

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VB/SKN/RSK/SAR1/19/12/2017/3P/5C

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24.11.2017