

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.2004 of 2018

Mr.C.Selvin Jeyakumar

... Petitioner

Vs.

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

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

3.The Secretary,
Scott Christian College,
Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to approve the petitioner's appointment as Office Assistant in the Scott Christian College, Nagercoil in the sanctioned vacancy caused by the promotion of Mr.G.Radhakrishnan with effect from 07.10.2016 in the light of approval given to similarly placed non-teaching staffs like Mr.M.Stephen and Mr.Cithirairaj Ganadhasan vide Na.Ka.No.59741/F2/2014 dated 13.01.2015 in W.A.No.99 of 2009 dated 24.04.2009 and SLP.No.27331 of 2013 dated 04.10.2013 with all monetary and other attendant benefits with effect from 07.02.2006 based on the representation given by the petitioner dated 10.11.2017.

For Petitioner : M/s.A.V.Bharathi

For Respondents : Mrs.P.Rajalakshmi,
Additional Govt. Pleader for R1 and R2

Mr.S.Bharathirajan, Standing Counsel for R3

O R D E R

The petitioner, who was appointed as Office Assistant on 07.10.2016 in the sanctioned vacancy caused account of promotion of Mr.G.Radhakrishnan, has come to this Court seeking a Writ of

Mandamus directing the Director of Collegiate Education, Chennai/first respondent herein to approve his appointment in Scott Christian College, Nagercoil/third respondent herein.

2. The learned counsel appearing for the petitioner has submitted that when the third respondent College was already sanctioned with 4 posts of Office Assistants, vide Staff Fixation Order dated 18.05.1987 passed by the first respondent, one Office Assistant was promoted to the post of Laboratory Assistant and in view of the promotion given to erstwhile incumbent on 07.10.2016, the post of Office Assistant fell vacant. The learned counsel for the petitioner has further submitted that since the third respondent College has filled up the sanctioned promotional vacancy by appointing the petitioner viz., Mr.C.Selvin Jeyakumar, a proposal was also sent by the third respondent College on 02.11.2017 to the first respondent, seeking approval of the petitioner's appointment by enclosing the following document, namely

- 1.Staff Fixation Order
- 2.Appointment Order of the petitioner
- 3.Joining Report of the petitioner
- 4.Resolution passed by the College Committee.

The learned counsel for the petitioner has further submitted that inspite of sending proposal along with requisite documents, followed by a representation dated 10.11.2017, till date the first respondent has not come forward to approve the appointment of the petitioner and therefore, prays for a direction to the first respondent to approve the appointment of the petitioner to the post of Office Assistant.

3. A perusal of the Staff Fixation Order shows that the third respondent school was already sanctioned with 4 posts of Office Assistants and since one of the Office Assistant was promoted as Laboratory Assistant, in the said vacancy, the petitioner was appointed. Therefore, a proposal has been sent by the third respondent college to the first respondent seeking to approve the appointment of the petitioner to the said post.

4. Mrs.P.Rajalakshmi, learned Additional Government Pleader, who takes notice for the respondents 1 and 2 would submit that the third respondent College has not forwarded the requisite documents, however, if the documents sent by the third respondent College is in order, the same would be considered within a period of eight weeks.

5. In reply, learned counsel for the petitioner has submitted that along with the proposal, all the requisite documents were forwarded to the first respondent.

6. In the above circumstances, the first respondent is

directed to consider the proposal sent by the third respondent college seeking approval for appointment of the petitioner to the post of Office Assistant and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

jvm

To

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

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

3.The Secretary,
Scott Christian College, Nagercoil.

+1cc to Mr.C.R.Rose Radhi Jijo, Advocate, S.R.No.7540

+1cc to Mr.S.Bharathirajan, Advocate, S.R.No.7059

+1cc to the Government Pleader, S.R.No.7941

W.P.No.2004 of 2018

RRK(06/02/2018)

सत्यमेव जयते

WEB COPY