

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6775 of 2018

Mrs.K.Sutha

...Petitioner

-vs-

1. The Director of Collegiate Education
College Road
Chennai 600 006
2. The Joint Director of Collegiate Education
Tirunelveli Region
Tirunelveli 627 007
3. The Correspondent/Secretary
Nesamony Memorial Christian College
Marthandam 629 165
Kanyakumari District

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to approve the petitioner's appointment as Office Assistant in Nesamony Memorial Christian College, Marthandam in the sanctioned vacancy caused by the promotion of Mr.P.Krishnaswamy with effect from 27.08.2003 to 12.06.2007 in the light of approval given by the first respondent to the similarly placed persons non-teaching staff Mr.Anbudhas J.Ronald vide Na.Ka.No.49667/F2/2016 dated 05.02.2018 with monetary benefits and other attendant benefits with effect from 27.08.2003 to 12.06.2007.

For Petitioner :: Mr.P.Ganesan

For Respondents :: Mr.C.Munusamy
Special Government Pleader
for R1 & 2
Mr.S.Bharathirajan
Standing Counsel for R3

ORDER

The petitioner was initially appointed as an Office Assistant (management staff) on 13.12.96. Subsequently, she was appointed as Office Assistant in Nesamony Memorial Christian College, Marthandam in a sanctioned regular vacancy caused by

the promotion of Mr.P.Krishnaswamy with effect from 27.8.2003. The said order was also issued by the Secretary of Nesamony Memorial Christian College, Marthandam, which is a minority educational institution receiving grant-in-aid from the State Government. Therefore, it is the claim of the petitioner that although she was appointed as a management staff in the year 1996, subsequently, when a vacancy arose in the sanctioned post with the promotion of Mr.P.Krishnaswamy with effect from 27.8.2003, she was appointed in the said sanctioned and regular vacancy and a proposal was sent on 3.10.2017 to the Joint Director of Collegiate Education, Tirunelveli instead of sending through proper channel, namely, to the Director of Collegiate Education through the Joint Director of Collegiate Education. Therefore, the said proposal was returned. When the third respondent college earlier filed W.P.(MD) No.22534 of 2015 seeking a direction to the respondents to permit them to fill up 6 post of Office Assistant, 1 post of Steno typist, 1 post of Electrician, 1 herbarium keeper, 1 Library Assistant, 2 Watchmen, 2 post of Gardener, 1 Waterman, 6 post of Sweeper and 1 post of Scavenger, 1 maker on regular basis and release the salary, this Court, by order dated 16.12.2015, permitted the third respondent college to fill up the posts of Office Assistant, Watchman, Waterman, Gardener, Sweeper and Scavenger, if those posts are sanctioned and there were regular vacancies with a further observation that the said posts can be filled up on regular basis as per Rule 11(3) of the Rules. Therefore, it is the claim of the petitioner that when this Court also, after considering the claim of the third respondent college, taking note of the staff fixation order dated 8.1.80 sanctioning two posts of Office Assistants etc., without complaining on hyper-technical issue, the respondents should have accepted the proposal sent by the third respondent college. On the other hand, they have wrongly returned it to the third respondent college to send the proposal through proper channel, namely, to the Director of Collegiate Education through the Joint Director of Collegiate Education. Hence, a direction should be issued to the respondents to consider the proposal, it was pleaded.

2. Mr.C.Munusamy, learned Special Government Pleader for the respondents 1 & 2 submitted that since the third respondent has sent the proposal directly to the Director of Collegiate Education instead of through the Joint Director of Collegiate Education, it was returned directing the college to send the proposal through proper channel. Now the proposal has been sent through proper channel and the same will be considered within a period of four weeks.

3. Placing on record the request made by the learned Special Government Pleader for the respondents 1 & 2, the first respondent is hereby directed to consider the proposal sent by the third respondent college with regard to the petitioner's

appointment as Office Assistant for the period in question and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS-V)

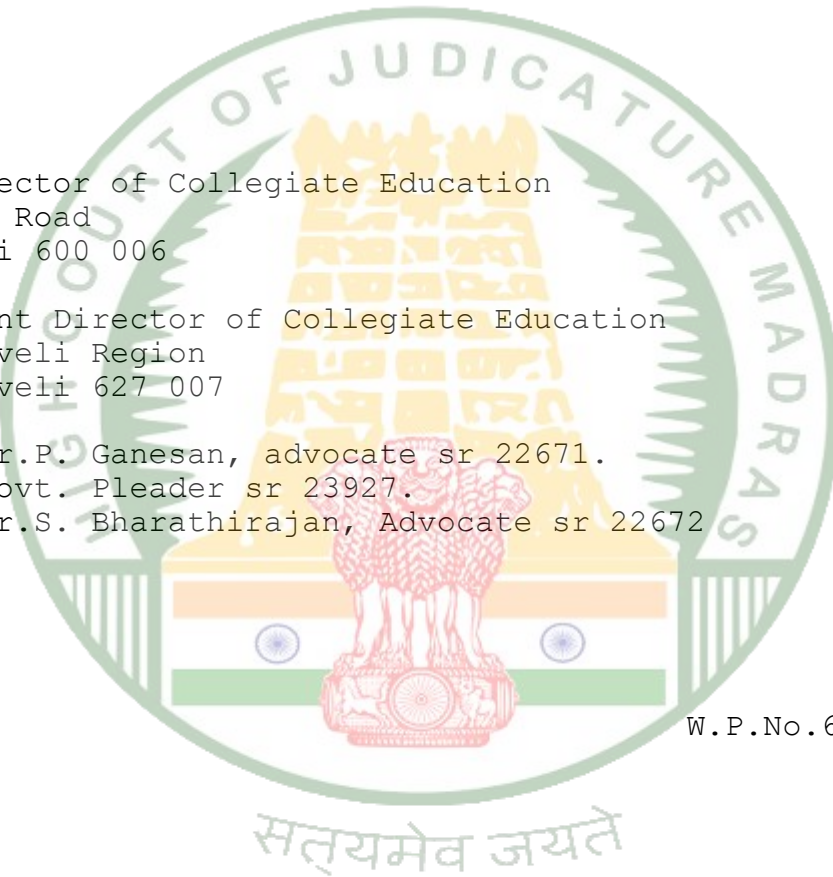
True Copy

Sub-Assistant Registrar

ss

To

1. The Director of Collegiate Education
College Road
Chennai 600 006
 2. The Joint Director of Collegiate Education
Tirunelveli Region
Tirunelveli 627 007
- +1 CC to Mr.P. Ganesan, advocate sr 22671.
+1 CC to Govt. Pleader sr 23927.
+1 CC to Mr.S. Bharathirajan, Advocate sr 22672



W.P.No.6775 of 2018

SP(10/04/2018)

WEB COPY