

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4925 of 2018

Dr.T.N.Suseela .. 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 Secretary cum Correspondent
Women's Christian College
Nagercoil
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 herein to approve and regularize the petitioner's appointment as Lecturer in History in the Women's Christian College, Nagercoil, in the sanctioned retirement vacancy of Dr. (Tmt.) Ivy Peter with effect from 02.01.2002 to 09.08.2006 in the light of the approval given by the first respondent to the similarly placed person like Dr.R.Josily working as Assistant Professor in Tamil Department in Scott Christian College, whose appointment was approved from initial date of appointment vide his proceedings Na.Ka.No.4600/F2/2017 dated 14.11.2017 based on order passed by this Hon'ble Court in W.P.No.3311 of 2016 daed 22.02.2016 with monetary and service benefits to the petitioner for the period from 02.01.2002 to 27.03.2003 & 26.03.2004 to 28.06.2005 and service benefits alone for the period from 28.03.2003 to 25.03.2004 & 29.06.2005 to 09.08.2006 based on the Review Petition dated 10.01.2018 given by the petitioner.

For Petitioner :: Mrs.A.V.Bharathi

For Respondents :: Mr.P.Raja
Government Advocate
for R1 & 2
Mr.S.Bharathirajan for R3

ORDER

Learned counsel for the petitioner submitted that the petitioner was appointed as Lecturer in History with effect from 2.1.2002 in the third respondent-Women's Christian College, Nagercoil in the retirement vacancy of Dr.Ivy Peter by an order passed by the third respondent. Since the said appointment was made by the management of the Women's Christian College in a sanctioned post, yet, the respondents 1 & 2 have not paid the salary to the petitioner. Subsequently, the post was approved by the Joint Director of Collegiate Education, the second respondent herein in proceedings Mu.Mu.No.8625/V003/2007 dated 16.7.2007 with effect from 10.8.2006. Thereafter, the second respondent, by proceedings Pa.Mu.No.42418/F2/98 dated 28.10.99, granted permission to fill up the vacancies that arose in the vacant post for the year 1999-2000 on or before 31.3.2000. In the said proceedings, the number of sanctioned posts of Lecturer in History for the year 1999-2000 has been set out as 10. The petitioner was appointed as one among the Lecturers from 2.1.2002, which is the 10th sanctioned retirement vacancy post of Lecturer in History.

2. With this background, the grievance of the petitioner, as pleaded by the learned counsel for the petitioner, shows that after her appointment on 2.1.2002, she was also working in FIP vacancy for two periods, namely, from 28.3.2003 to 25.3.2004 and from 29.6.2005 to 9.8.2006. But when the second respondent granted the approval, they failed to grant approval from the date of her initial appointment. The proposal sent by the Women's Christian College, Nagercoil clearly shows that the petitioner was appointed as Lecturer in History with effect from 2.1.2002. Therefore, a review petition has been filed on 10.1.2018 before the first respondent, which is also pending for consideration. Hence, restricting the prayer, the learned counsel for the petitioner sought for a limited direction to the first respondent to consider the pending review petition on merits, in the light of the proceedings in Na.Ka.No.4600/F2/2017 dated 14.11.2017 passed in favour of Dr.(Mrs.)R.Josily, Assistant Professor (Tamil).

3. The learned Government Advocate for the respondents 1 & 2 sought sufficient time to consider the pending review petition. Heard the learned counsel for the third respondent also.

4. This Court hereby directs the first respondent to consider the pending review petition filed by the petitioner dated 10.1.2018 on merits and whether the proceedings dated 14.11.2017 can be made applicable to the petitioner's case and pass appropriate orders in accordance with law within a period

of six weeks from the date of receipt of a copy of this order.
The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

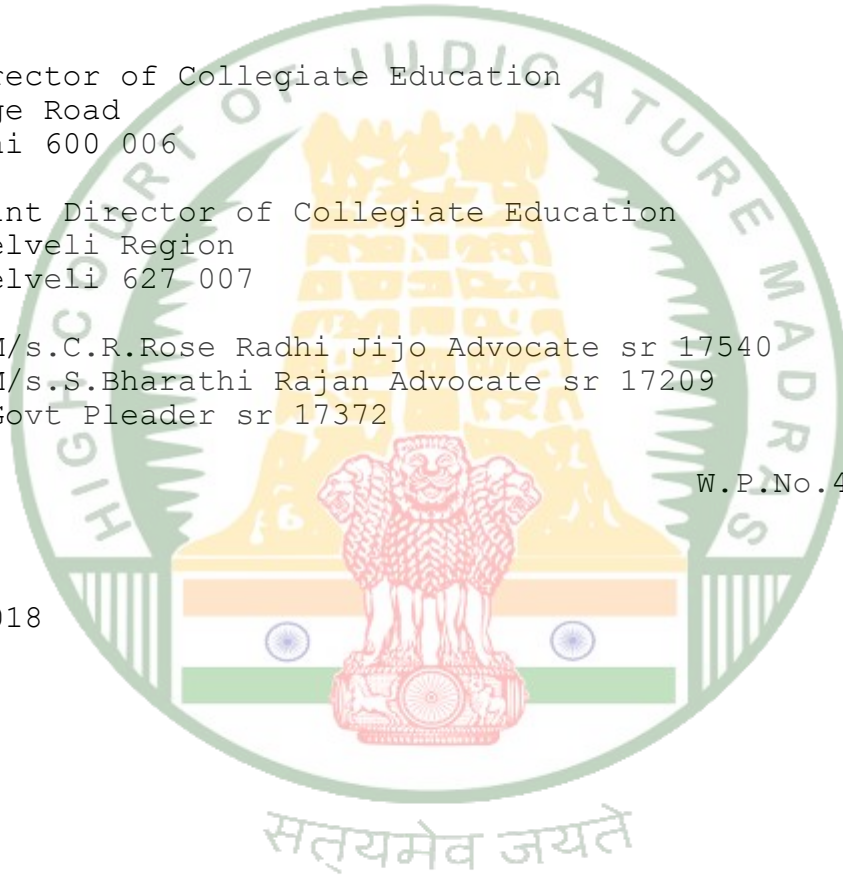
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To

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 M/s.C.R.Rose Radhi Jijo Advocate sr 17540
+1 cc to M/s.S.Bharathi Rajan Advocate sr 17209
+1 cc to Govt Pleader sr 17372

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