

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. Nos.13766 of 2018

Dr.J.J.Lini

..Petitioner

..Vs..

1. The Director of Collegiate Education,
College Road,
Chennai-600 006.
2. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
3. The Secretary,
Scott Christian College,
Nagercoil.

... 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 herein to approve the petitioner's appointment as Assistant Professor in Botany in the Scott Christian College, Nagercoil, in the sanctioned retirement vacancy of Dr.J.Edwin James with effect from 16.06.2017 in the light of the approval given to the similarly placed person Dr.Avvai M.S.Vijaya whose service was approved by the 1st respondent vide proceedings Mu.Mu.No.44350/F2/2017 dated 02.04.2018 with monetary and all other attendant and service benefits based on the representation dated 17.07.2017 given by the petitioner.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mr.P.Raja (R1 and R2)

Government Advocate

Mr.S.Bharathi Raja (R3)

O R D E R

This Writ Petition has been filed seeking for a direction to the first respondent herein to approve the petitioner's appointment as Assistant Professor in Botany in the Scott Christian College, Nagercoil, in the sanctioned retirement

vacancy of Dr.J.Edwin James with effect from 16.06.2017 in the light of approval given to the similarly placed person Dr.Avvai M.S.Vijaya whose service was approved by the 1st respondent vide proceedings Mu.Mu.No.44350/F2/2017 dated 02.04.2018 with monetary and all other attendant and service benefits based on the representation dated 17.07.2017 given by the petitioner.

2.Mr.P.Raja, learned Government Advocate accepts notice on behalf of the respondents 1 and 2 and Mr.S.Bharathi Raja, learned counsel accepts notice on behalf of the third respondent.

3. By consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

4. The grievance of the petitioner is that originally the petitioner was appointed in the Nesamony Memorial Christian College in the year 2015. Subsequently, he was transferred from Nesamony Memorial Christian College and appointed in the sanctioned post in the Scott Christian College as Assistant Professor in Botany with effect from 16.06.2017. The said appointment was made by the Management of the Scott Christian College in sanctioned retirement vacancy of Dr.J.Edwin James and he have not been paid salary from the Management funds. The College also sent proposals on 30.06.2017 to the first and second respondents seeking approval of the said post and the same is pending. The petitioner also made a representation on 17.07.2017 to the first respondent seeking approval and the same is also pending. Again, the College sent proposal on 10.08.2017. But, no action has been taken till date. Hence, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

5. The learned counsel for the petitioner would submit that he is not pressing the prayer sought for in this Writ Petition and it would suffice if the representation given by the petitioner on 17.07.2017, may be directed to be considered and disposed of by the first respondent within a stipulated period.

6.In view of the limited scope of prayer now sought for by the learned counsel for the petitioner, this Court is of the view that no useful purpose would be served in seeking counter affidavit from the respondents.

7. Considering the aforesaid facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, this Writ Petition is disposed of with a direction to the first respondent to consider and pass orders on the representation of the petitioner dated 17.07.2017, on merits and in accordance with law, within

period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. However, it is made clear that this Court has expressed no opinion on the merits of such representation. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

arr
To

1. The Director of Collegiate Education,
College Road,
Chennai-600 006.
2. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

+ 1 cc to Mr.E. Martin Jayakumar, Advocate Sr.35644
+ 1 cc to Mr.S.Bharathirajan, Advocate Sr.35644

W.P.No.13766 of 2018
(12)

CS-VII
EU(25/06/2018)

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