

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.13767 of 2018

Dr.M.Hepsiba Jeni

..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,
Women's 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 and regularize the petitioner's appointment as Physical Education Director in the Women's Christian College, Nagercoil, in the sanctioned retirement vacancy of Mrs.Beulah Hilari Johnson with effect from 09.07.2007 to 15.06.2010 in the light of the approval given by the 1st Respondent to the similarly placed persons Dr.N.Austin John Manohar in Na.Ka.No.35049/F2/2016 dated 27.07.2017 and Na.Ka.No.33733/F2/2005 dated 01.09.2014 in W.P.No.17368 of 2005 dated 29.06.2005, W.A.Nos.140,811 of 2006 and 809 of 2007, and in SLP.Nos.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the representation dated 07.12.2016 given by the petitioner.

For Petitioner : Mr.E.Martin Jayakumar
For Respondents : Mr.P.Raja (R1 and R2)
Mr.S.Bharathi Raja (R3)

O R D E R

This Writ Petition has been filed by the petitioner seeking for a direction to the first respondent herein to approve and regularize the petitioner's appointment as Physical Education Director in the Women's Christian College, Nagercoil,

in the sanctioned retirement vacancy of Mrs.Beulah Hilari Johnson with effect from 09.07.2007 to 15.06.2010 in the light of the approval given by the 1st Respondent to the similarly placed persons Dr.N.Austin John Manohar in Na.Ka.No.35049/F2/2016 dated 27.07.2017 and Na.Ka.No.33733/F2/2005 dated 01.09.2014 in W.P.No.17368 of 2005 daed 29.06.2005, W.A.Nos.140,811 of 2006 and 809 of 2007, and in SLP.Nos.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the representation dated 07.12.2016 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 in this Writ Petition is that though she has been appointed as physical Education Director in the Women's Christian College, Nagercoil in the sanctioned post, she has not been paid salary from the Management funds. The third respondent has also sent a communication to the first respondent dated 05.07.2008 seeking approval of the said post of Physical Education Direction and the same is pending. The Petitioner has also sent a representation in this regard to the first respondent on 07.12.2016. Since, no action has been taken so far, 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 07.12.2016, 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 07.12.2016, 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

//True Copy//

Sub Assistant Registrar

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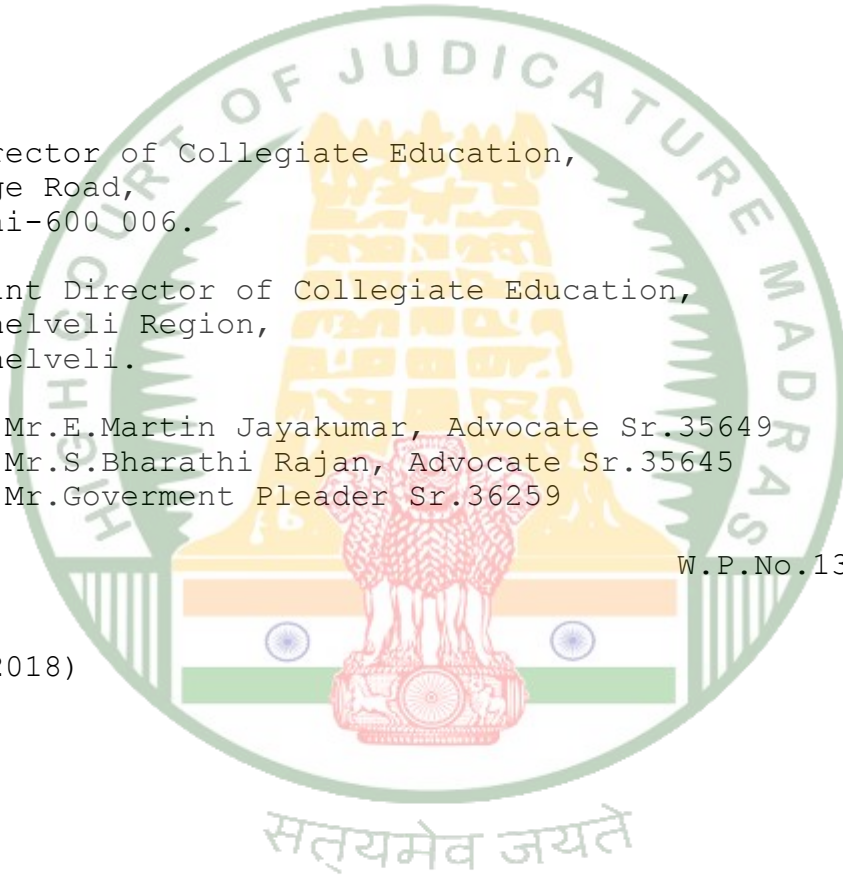
To

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

+ 1 cc to Mr.E.Martin Jayakumar, Advocate Sr.35649
+ 1 cc to Mr.S.Bharathi Rajan, Advocate Sr.35645
+ 1 cc to Mr.Government Pleader Sr.36259

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(CS-VII)
EU (25/06/2018)



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