

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No.15038 of 2018

Mrs. S. Sunitha

...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, Nesamony Memorial Christian College,
Marthandam. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the first respondent to approve and regularize the petitioner's appointment as Assistant Professor in English in the Nesamony Memorial Christian College, in the sanctioned retirement vacancy of Mr. Dennis Guru Sahayam with effect from 13.06.2007 to 17.02.2015 in the light of the approval given by the first respondent to the similarly placed persons like G.Anne Nithya in Na.Ka.No.31159/F2/2017, dated 23.04.2018 and D.Subitha in Na.Ka.No.31756/F2/2017, dated 25.04.2018 and J.Premakumari and others in Na.Na.No.33733/F2//2005, dated 01.09.2014 in WP.No.17368 of 2005 dated 29.06.2005, W.A.Nos.140 and 811 of 2006 and 809 of 2007 and in SLPNos.19526 to 19528 of 2013 with monetary benefits and all other benefits for the said period based on the representation dated 23.01.2017 given by the petitioner.

For Petitioner : Mr.E.Martin Jayakumar

or Respondents-1 & 2 : Mrs. P.Kavitha

Government Advocate

For Respondent-3 : Mr. P.S.Bharathi Rajan
Standing Counsel

O R D E R

Heard Mr.E.Martin Jayakumar, the learned counsel appearing for the petitioner and Mrs. P.Kavitha, the learned Government Advocate accepting notice on behalf of the respondents 1 and 2 and Mr. P.S.Bharathi Rajan, the learned Standing Counsel, accepting notice on behalf of the third respondent. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal even at the stage of admission.

2. The grievance of the petitioner in this case is that though she has been appointed by the third respondent/College against the sanctioned vacancy post and approval of her such appointment has been forwarded to the first respondent by the third respondent/College, the first respondent has not acted on the same. The petitioner, in the meanwhile, has also made a representation in this regard to the first respondent on 23.01.2017. But, no action on the same has been taken. Feeling aggrieved by such inaction on the part of the respondents, the petitioner has filed this Writ Petition seeking issuance of a writ of mandamus directing the respondents to act in accordance with law.

3. The learned Government Advocate for the respondents 1 and 2 submits that, if such a proposal is pending, the first respondent will take necessary steps in regard to the disposal of the same based on the representation of the petitioner within the stipulated period.

4. Considering such limited prayer of the petitioner and after hearing the learned counsel appearing for the petitioner, this Court is of the view that no useful purpose is going to be served by asking the respondents to file counter affidavit in this regard, and as such, disposes of the Writ Petition at this stage, with a direction to the first respondent to consider the representation of the petitioner in the light of the proposal forwarded to him by the third respondent and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the representation. In the circumstances of the case, there shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

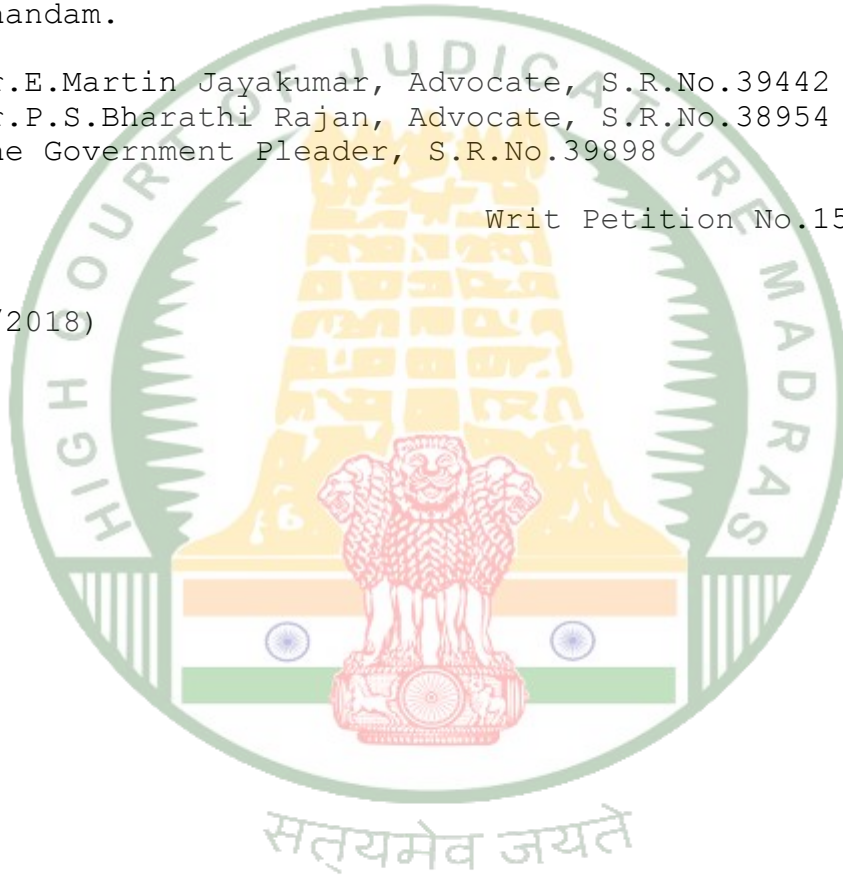
To

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

+1cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.39442
+1cc to Mr.P.S.Bharathi Rajan, Advocate, S.R.No.38954
+1cc to the Government Pleader, S.R.No.39898

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GSP(06/07/2018)



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