

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

Writ Petition No. 5891 of 2016

Tmt.S.Meena

.. Petitioner

Vs.

1. The Director of Collegiate Education,
Chennai Division, Chennai.
2. The Joint Director of Collegiate Education,
College Road, Chennai-600015
3. The Member Secretary,
Pachaiyappa's Trust Board,
Chennai-600 030.
4. The Subject Selection Committee,
Librarian Post, Pachaiyappa's College,
Chennai.
5. The Registrar,
University of Madras,
Chennai - 600 005.
6. Tmt.R.Vimala ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for records of the second respondent in respect of the impugned order in Na.Ka.No.7785/E1/2015 dated 03.02.2016 and quash the same.

For Petitioner : Mr.G.Sankaran
For Respondents : Mrs.P.Kavitha (R1 and R2)
Government Advocate
Mr.S.Giridharan (R3 and R4)
Mr.L.P.Shanmugasundaram (R4)

O R D E R

This Writ Petition has been filed seeking to quash the impugned order of the second respondent in Na.Ka.No.7785/E/2015 dated 03.02.2016.

2. The case of the petitioner is that she was appointed as a Librarian vide proceedings of the third respondent dated 25.01.2014. However, being dissatisfied with the appointment of the petitioner, Mrs.R.Vimala, the sixth respondent herein filed Writ Petition before this Court in 5659 of 2014, challenging the notification issued by the third respondent dated 12.12.2013, with regard to appointment of librarian and also seeking for a direction to the said authority to appoint the sixth respondent against the said post and also filed another Writ Petition in W.P.No.8432 of 2014, seeking to quash the appointment order of the petitioner dated 25.01.2014 and for a direction to the Secretary, Pachaiyappa's Trust Board, Panchaiyappa's College Campus, Chennai, to appoint her, as Librarian in the said College. This Court, by an order dated 26.02.2014 in W.P.No.5659 of 2014, had granted an order of status quo with regard to the approval of appointment of the petitioner herein. However, approval having been granted to the petitioner by the second respondent on 22.07.2014, the sixth respondent herein initiated contempt proceedings in contempt petition no.1653 of 2015. Pursuant to the initiation of contempt proceedings, the second respondent/Joint Director of Collegiate Education has issued an order dated 03.02.2016 in N.Ka.No.7785/E1/2015, cancelling the approval given on 22.07.2014 to the petitioner appointing her as Librarian in Pachaiyappa's College stating that the order of status quo was not brought to the knowledge of the second respondent as he was not a party in the earlier Writ Petition No.5659 of 2014. The petitioner has come to challenge this cancellation of approval of her such appointment, on the ground that she being duly recruited, such cancellation therefore be quashed and further order be passed, as this Court may think just and proper to render justice.

3. The sixth respondent has filed a counter affidavit indicating therein that the selection of the petitioner was made in an illegal and arbitrary manner. As the sixth respondent though working as a Librarian in C.Kandhasamy Naidu College, Chennai and Chellammal College, Chennai for the past 14 years, she was denied appointment in the Pachaiyappa's College and instead the petitioner has been appointed in the said post. Hence, the sixth respondent filed W.P.No.5659 of 2014 challenging the notification issued by the third respondent to fill up the post of Librarian in C.Kandhasamy Naidu College from Schedule caste category and this Court has granted an order of status quo in the aforesaid Writ Petition. She has also filed another Writ Petition in W.P.No. 5891 of 2016 challenging the appointment of the petitioner. In such circumstances, an approval to the appointment of the petitioner was granted on 22.07.2014. Hence, she filed contempt petition, inasmuch as the approval granted is contrary to interim order of status quo.

In the aforesaid premises, the approval being cancelled, this Writ Petition filed is devoid of merits.

4. No counter affidavit has been filed by other respondents. However, it has been brought to the notice of this Court that the writ petitions filed by the sixth respondent were already withdrawn on 24.10.2018 and the interim order passed also vacated and hence, no challenge for the appointment of the petitioner is pending before this Court.

5. The only question that has to be decided is that whether the cancellation of the appointment of the petitioner, pursuant to the contempt proceedings, can be stated to be in existence. Needless to say that when status-quo was granted, the same was not brought to the knowledge of the second respondent and hence the second respondent passed an order of approval of appointment of the petitioner. Subsequently when the same came to the knowledge of the second respondent they have cancelled the approval of appointment of the petitioner. Hence, the second respondent cannot be found fault with.

6. Considering the overall facts and circumstances of the case and also considering the submissions made, this Court is of the view that when there is no dispute with regard to the appointment of the petitioner at present, the second respondent can examine the issue with regard to approval of appointment of the petitioner, in accordance with law and take necessary decision on the same.

7. Accordingly, the second respondent is directed to examine the issue with regard to approval of the appointment of the petitioner and take necessary decision on the same, within a period of eight weeks from the date of receipt of a copy of this order, in the manner known to law, if there is no other legal impediment.

With the aforesaid order, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

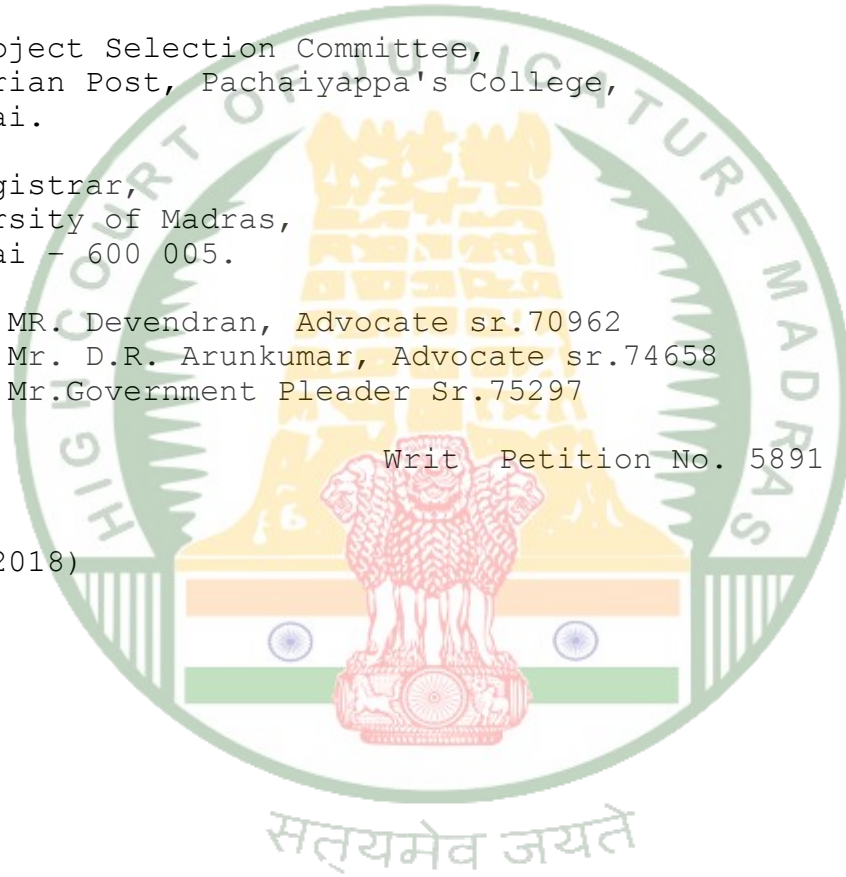
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To

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 5. The Registrar,
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Chennai - 600 005.
- + 1 cc to MR. Devendran, Advocate sr.70962
+ 1 cc to Mr. D.R. Arunkumar, Advocate sr.74658
+ 1 cc to Mr. Government Pleader Sr.75297

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(CS-DR)
EU(12/11/2018)



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