

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.07.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.Nos.16404 & 16405 of 2018

Mr.Stephen Foster Davis ...Petitioner in W.P.No.16404 of 2018

Mrs.S.Vaila Baby ...Petitioner in W.P.No.16405 of 2018

Versus

1. The Director of Collegiate Education,
College Road,
Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli-627 007.
- 3.The Correspondent/Secretary,
Scott Christian College,
Nagercoil-629 003,
Kanyakumari District. ... Respondents in both WPs

Prayer in W.P.No.16404 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the 1st respondent herein to approve and regularise the petitioner's appointment as Lecturer in English in the Scott Christian College, Nagercoil, in the sanctioned retirement vacancy of Mr.Rozario Ignatius with effect from 13.06.2008 to 07.07.2014 in the light of approval given by the 1st respondent to the similarly placed persons Dr.V.Brinsley in Na.Ka.No.7289/F2/2018 and dated 20.04.2018 and Na.Ka.No.33733/F2/2005 dated 01.09.2014, based on the order of this Court in W.P.No.17368 of 2005 dated 29.06.2005, W.A.Nos.140, 811 of 2006 and 805 of 2007, and in SLP.Nos.19526-19528 of 2013 with all attended, service and monetary benefits for the said period based on the his representation dated 30.05.2018.

Prayer in W.P.No.16405 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of Mandamus, directing the 1st respondent herein to approve and regularise the petitioner's appointment as Lecturer in Tamil in the Scott Christian College, Nagercoil, in the sanctioned

vacancy with effect from 20.06.2005 to 17.06.2014 in the light of approval given by the 1st respondent to the similarly placed person Dr.T.H.Issac Samuel Nayagam in Na.Ka.No.54404/F2/2011 dated 20.12.2012 based on the order passed in W.P.No.11546 of 1997 dated 23.12.2009 and Dr.V.Brinsley in Na.Ka.No.7289/F2/2018 and dated 20.04.2018 and Na.Ka.No.33733/F2/2005 dated 01.09.2014 based on the order of this Court in W.P.No.17368/2005 dated 29.06.2005, W.A.Nos.140, 811 of 2006 and 805 of 2007, and in SLP.Nos.19526-19528 of 2013 with all attended, service and monetary benefits for the said period based on her representation dated 12.05.2018.

For Petitioner
in both Wps. : Ms.R.Elizabeth

For Respondents
in both Wps. : Mrs.P.Kavitha,
GA for R1 & R2
Mr.S.Bharathi Rajan
Standing Counsel for R3

COMMON ORDER

The grievance expressed by the petitioners in these writ petitions is that though they have been appointed as Lecturers by the 3rd respondent in its College Viz., Scott Christian College on 13.06.2008 and 20.06.2005 and a proposal has been sent by the 3rd respondent to approve the appointment of petitioners, they have been given posterior date of appointment i.e on 18.06.2014 and 07.07.2014 respectively. Therefore, the petitioners in this regard, have submitted their representations dated 12.05.2018 and 30.05.2018 to the 1st respondent to approve their appointment from the date, when they have joined the service. However, there is no response. Therefore the petitioner prays that a direction may be given to consider their representations in accordance with law.

2. The learned counsel appearing for the petitioners has drawn the attention of this Court that similarly placed persons who have been appointed as Lecturers based on the orders passed in WP No.11546 of 1997 dated 23.12.2009, WP No.17368 of 2005 dated 29.06.2005 and in WA Nos.140, 811 of 2006 and 805 of 2007 and in SLP Nos.19526 - 19528 of 2013 and prays for appropriate orders.

3. The learned counsel appearing for the respondents however submits that since in these cases only very recently the representations were submitted by the petitioners. Hence, the 1st respondent cannot be said to be guilty of inaction. However, the learned counsel appearing for the respondents would submit

that if such representations are pending, the authority shall consider and take decision on the same, after taking note of the facts and circumstances, within a reasonable period.

4. Considering the aforesaid facts and submissions made, this Court dispose of these writ petitions with a direction to the 1st respondent to consider and dispose of the grievance expressed by the petitioners in thier representations dated 12.05.2018 and 30.05.2018, in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order. However, it is made clear that this Court has not expressed any opinion on the mertis of the representation submitted by the petitioners in any manner. Therefore, the order of this Court shall not be construed as a mandate to consider the representation of the petitioner by the 1st respondent, in any particular manner.

5. With the above observations, both the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//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-627 007.
- 3.The Correspondent/Secretary,
Scott Christian College,
Nagercoil-629 003,
Kanyakumari District.

+2cc to Mr.S.Bharathirajan, Advocate Sr.42582, 42581
+2cc to Mr.R.Elizabeth, Advocate Sr.42579 & 42580

W.P.Nos.16404 & 16405 of 2018

srg 26/07/2018