

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.16785 of 2018

A.Maria Jeya Chandra Rani

... Petitioner

..vs..

1. The Director of Collegiate Education,
College Road,
Chennai-600 006.
2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai.
3. The Secretary,
St.Justin's College of Education,
Madurai - 625 009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 1st respondent herein to approve and regularize the petitioner's appointment as physical Education Director in the St.Justin's College of Education, in the sanctioned vacancy with effect from 01.09.1988 to 14.06.1992 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 80 of 2007, and in S.L.P.Nos.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on proposal given by the 3rd respondent dated 23.03.2017 and the petitioner representation dated 22.01.2018.

For Petitioner : Mr.E.MartinJayakumar

For Respondents: Mr.P.Kavitha (R1 and R2)
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the first respondent herein to approve and regularize the petitioner's appointment as physical Education Director in the St.Justin's College of Education, in the sanctioned vacancy with effect from 01.09.1988 to 14.06.1992 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 80 of 2007, and in S.L.P.Nos.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on proposal given by the 3rd respondent dated 23.03.2017 and the petitioner's representation dated 22.01.2018.

2. Mrs.P.Kavitha, learned Government Advocate takes notice on behalf of the respondents 1 and 2.

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 he was appointed as Physical Education Director in St.Justin's College of Education against the sanctioned vacancy vide proceedings of the first respondent dated 10.03.1992. But, his appointment for the period from 01.09.1988 to 14.06.1992 has not been approved. In this regard he has made a representation to the second respondent to accord approval to him from the date of appointment i.e. 01.09.1988 and a proposal seeking approval of his appointment has also been sent by the third respondent on 23.03.2017 to the first respondent but the same is pending with the first respondent. The petitioner states that similarly situated persons have been accorded approval from the date of their appointment which he has mentioned in detail in his representation 22.01.2018. In such premises, he has filed this Writ Petition seeking for the aforesaid relief.

5. Though the prayer sought for in this Writ Petition is for a larger relief, the learned counsel appearing for the petitioner during the course of argument would submit that it would suffice if the representation of the petitioner dated 01.02.2018 as well as the proposal given by the third respondent dated 23.03.2017, is directed to be disposed of by the first respondent, within a stipulated period.

6. The learned Government Advocate appearing for the respondents 1 and 2, has stated that the first respondent has objection in disposing of the representation of the petitioner

dated 01.02.2018 as well as the proposal of the third respondent dated 23.03.2017, within a stipulated period.

7. Considering the same and also considering the relief now sought for by the learned counsel for the petitioner, this Court is of the view that no useful purpose is going to be served in seeking counter affidavit from the respondents.

8. Hence, regard being had to the aforesaid facts and submissions made, this Writ Petition is disposed of with a direction to the first respondent to take an informed and considered decision on the proposal of the third respondent dated 23.03.2017 as well as the representation of the petitioner dated 22.01.2018, within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment to do so. However, it is made clear that this Court has expressed no opinion on the merits of the representation.

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,
Madurai Region,
Madurai.
3. The Secretary,
St.Justin's College of Education,
Madurai - 625 009.

+1cc to the Government Pleader Sr.44601
+1cc to M/S.C.R.Rose Radhi Jijo, Advocate Sr.44376

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BS(CO)
srg 19/07/2018