

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1708 of 2018

S.Angelin Sheeja

...Petitioner

Versus

1. The Director of Collegiate Education,
College Road,
Chennai-6.
 2. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
 3. The Secretary,
Nesamony Memorial Christian College,
Marthandam.
- Respondents

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Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to approve and regularise the petitioner's appointment as Assistant Professor in English in the Nesamony Memorial Christian College, Marthandam, in the sanctioned retirement vacancy of Mr.C.Justus w.e.f. 13.3.2006 to 29.7.2007 in the light of the approval given by the 1st respondent to the similarly placed person 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.17368/2015 dated 29.06.2005, W.A.Nos.140, 811 of 2006 and 805/2007 and in SLP.Nos.19526 to 19528/2013 with monetary and service and all other benefits for the said period based on the representation dated 23.01.2017 given by the petitioner.

For Petitioner
For Respondents

: Ms.A.V.Bharathi
: Mr.P.Raja,
Government Advocate for R1 and R2
Mr.S.Bharathirajan,
Standing Counsel for R3

O R D E R

The Writ Petition is filed seeking to issue a Writ of Mandamus, directing the 1st respondent to approve and regularise the petitioner's appointment as Assistant Professor in English in the Nesamony Memorial Christian College, Marthandam, in the sanctioned retirement vacancy of Mr.C.Justus w.e.f. 13.3.2006 to 29.7.2007 in the light of the approval given by the 1st

respondent to the similarly placed person 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.17368/2015 dated 29.06.2005, W.A.Nos.140, 811 of 2006 and 805/2007 and in SLP.Nos.19526 to 19528/2013 with monetary and service and all other benefits for the said period based on the representation dated 23.01.2017 given by the petitioner.

2. Learned Counsel for the petitioner submitted that the petitioner has possessed the educational qualification of M.A. M.Phil., Ph.D., with the State Eligibility Test for Lecturership acquired in the year 2006 as per the UGC Norms and by the Proceedings of the Director of Collegiate Education, Chennai vide Proceedings dated 28.10.1999, permission has been granted to the 3rd respondent school to fill up the vacancies that arose in the vacant posts of the year 1999-2000 on or before 31.3.2000 in which the number of sanctioned posts of Assistant Professor in English for the year 1999-2000 has been set out as 11. The learned Counsel for the petitioner further submitted that the petitioner was originally appointed as Assistant Professor in English in Nesamony Memorial Christian College, Marthandam, w.e.f. 13.3.2006 in the retirement vacancy of one Mr.C.Justus by virtue of the appointment order issued by the 3rd respondent herein. Subsequently, the said post was approved by the 1st respondent and order to that effect was issued by the 2nd respondent, the Joint Director of Collegiate Education in his Proceedings vide Pa.Mu.No.5309/E2/2008 dated 6.11.2008 w.e.f. 30.7.2007. After the appointment of the petitioner as Assistant Professor in English in the 3rd respondent college, the 3rd respondent college sent a proposal dated 22.3.2006 to the Director of Collegiate Education to approve the appointment of the petitioner as Assistant Lecturer - English as the petitioner was admittedly appointed by the 3rd respondent in the sanctioned post, that accrued on account of retirement of one Mr.C.Justus w.e.f. 13.3.2006. But the same is still pending. The learned Counsel for the petitioner also submitted that the respondents 1 and 2 cannot refuse the benefit of salary and continuity of service from the date of her original appointment i.e. from 13.3.2006. In this regard, the petitioner has given a representation dated 23.1.2017 to the respondents 1 and 2. But the same has not been considered. Hence the present Writ Petition.

3. Mr.P.Raja, learned Government Advocate, who takes notice on behalf of the respondents 1 and 2 sought for sufficient time to consider the representation of the petitioner.

4. Heard Mr.S.Bharathirajan, learned Standing Counsel appearing for the 3rd respondent.

5. Placing on record the request of the learned Government Advocate for the respondents 1 and 2, the respondents 1 and 2 are directed to consider the representation of the petitioner dated 23.1.2017, on merits and in accordance with law and also in the light of the approval given by the 1st respondent to the similarly placed person, namely, Dr.N.Austin

John Manohar as prayed for by the petitioner herein, within a period of four weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

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To

1. The Director of Collegiate Education,
College Road,
Chennai-6.
2. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
3. The Secretary,
Nesamony Memorial Christian College,
Marthandam.

+lcc to Mr.S.Bharathirajan, Advocate SR.No.6281
+lcc to Mr.C.R.Rose Radhi Jijo, Advocate SR.No.6475
+lcc to Government Pleader SR.No.6593

सत्यमेव जयते

W.P.No.1708 of 2018

CO()
GMD(10/02/2018)

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