

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.17560 of 2018

Dr.S.E.Joema

... 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,
Scott Christian College,
Nagercoil.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 1st respondent herein to approve and regularize the petitioner's appointment as Lecturer in Physics in the Scott Christian College, Nagercoil, in the Work Load vacancy with effect from 13.06.2007 to 26.02.2015 in the light of the approval given by the 1st respondent to the similarly placed persons Dr.T.H.Issac Samuel Nayagam in Na.Ka.No.54404/F2/2011 dated 20.12.2012 in W.P.No.11546 of 1997 dated 23.12.2009 monetary and service and all other benefits for the said period based on the representation dated 23.07.2017 given by the petitioner.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mrs.P.Kavitha,
Government Advocate for R1 & R2
Mr.S.Bharathirajan for R3

O R D E R

By consent of both the learned counsel, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a writ of Mandamus, directing the 1st respondent herein to approve and regularize the petitioner's appointment as Lecturer in Physics in the Scott Christian College, Nagercoil, in the Work Load vacancy with effect from 13.06.2007 to 26.02.2015 in the light of the approval given by the 1st respondent to the similarly placed persons Dr.T.H.Issac Samuel Nayagam in Na.Ka.No.54404/F2/2011 dated 20.12.2012 in W.P.No.11546 of 1997 dated 23.12.2009 monetary and service and all other benefits for the said period based on the representation dated 23.07.2017 given by the petitioner. "

3. The case of the petitioner is as follows:-

According to the petitioner, she is a Doctorate in Physics, qualified for the post of Lecturer as per UGC norms. She was appointed as Lecturer in the 3rd respondent College in Physics subject, with effect from 13.06.2007 in the Work Load Vacancy. Subsequently, she was transferred to Nesamony Memorial Christian College on 27.02.2015 in the sanctioned Retirement vacancy of Dr.S.Dawn Dharma Roy, which was approved by the 1st respondent and the order was issued by proceedings dated 21.08.2017, with effect from 27.02.2015. According to the petitioner, her qualification was also approved by the Manonmanium Sundaranar University, vide proceedings, dated 27.07.2017.

4. It appears that the 3rd respondent College has forwarded the proposals, vide communication, dated 12.07.2007 and 09.04.2016, to the 1st respondent, seeking approval for the appointment of the petitioner in Work Load Vacancy as Lecturer in Physics. However, the proposal was kept pending by the 1st respondent. The petitioner is therefore before this Court seeking a direction to regularize her service as Lecturer in Physics.

5. When the matter is taken up for hearing, it is represented by the learned counsel appearing for the petitioner that the petitioner would be satisfied if a direction is issued to the 1st respondent to take decision on the proposal submitted by the 3rd respondent College, in regard to the approval for appointment of the petitioner as Lecturer in Physics.

6. Considering the limited prayer sought for by the learned counsel for the petitioner, there shall be a direction to the

1st respondent to take appropriate decision on the proposals forwarded by the 3rd respondent College in regard to the approval of the petitioner as Lecturer in Physics subject, on merits and in accordance with law. The 1st respondent is directed to take decision in this regard, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kal

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,
Scott Christian College,
Nagercoil.

+1cc to Mr.S.Bharathirajan, Advocate, S.R.No.45541

+1cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.46288

+1cc to the Government Pleader, S.R.No.46198

W.P.No.17560 of 2018

AD(CO)
GSP(31/07/2018)

WEB COPY