

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.18404 of 2018

Dr.S.Chandra Meghala

...Petitioner

Versus

1. The Director of Collegiate Education,
College Road,
Chennai-600 006
 2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli
 3. The Secretary-Cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the 1st respondent herein to approve the petitioner's appointment as Assistant Professor in History in the Nesamony Memorial Christian College, Marthandam in the sanctioned retirement vacancy of Dr.S.Jamasin Regini with effect from 16.06.2017 in the light of approval given by the 1st respondent to the similarly placed persons Na.Ka.No.712/F2/2017 dated 27.02.2017, Na.Ka.No.713/F2/2017, dated 27.02.2017 Na.Ka.No.714/F2/2017, dated 09.03.2017 Na.Ka.No.715/F2/2017 dated 07.03.2017 in W.A.No.2318/2011 dated 11.10.2013 with monetary and all other attendant and service benefits based on the representation dated 20.09.2017 given by the petitioner.

For Petitioner : Mr.J.Vincent Kumar

For RR 1 & 2 : Mrs.P.Kavitha,
Government Advocate

For R3 : Mr.S.Bharathi Rajan,
Standing Counsel

ORDER

The grievance of the petitioner in this case is the non approval of his appointment by the first respondent, even though he was appointed as an Assistant Professor in History in the Nesamony Memorial Christian College, Marthandam against sanctioned vacancy with effect from 16.06.2017 and the proposal of the third respondent and the representation of the petitioner in this regard made are pending with the first respondent. The petitioner therefore came to file this writ petition challenging such inaction of the first respondent with a prayer to issue a writ of mandamus directing the first respondent to dispose of his representation and the proposal as in similar facts and situations vide order passed in W.A.No.2318 of 2011 dated 11.10.2013 the first respondent has approved the appointment of others.

2. The learned counsel appearing for the petitioner submits that since he has made a representation and also the proposal for approval for appointment is pending with the first respondent, the first respondent be directed to take an informed and considered decision on the same in the light of the law laid down in W.A.No.2318 of 2011 dated 11.10.2013.

3. The learned counsel appearing for the respondents No.1 and 2 would submit that the first respondent would have no objection if such proposal and representation are pending with him, to consider and dispose of the same in accordance with law within a stipulated period if there is no other legal impediment.

4. Considering the aforesaid facts and submissions especially nature of relief sought for, this Court disposes of this writ petition at this stage of admission with the consent of the parties without seeking reply affidavit of the respondents, with the direction to the first respondent to take an informed and considered decision on the proposal for approval of appointment of the petitioner in the third respondent college addressing the representation made by the petitioner, in accordance with law and intimate the decision thereof to the third respondent as well as the petitioner within a period of six weeks, if there is no other legal impediment.

5. With the aforesaid order, this writ petition stands disposed of. However, in the circumstances no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//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,
Tirunelveli Region,
Tirunelveli
3. The Secretary-Cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam

+1cc to Mr.S.Bharathirajan, Advocate SR.No.47966
+4cc to Mr.J.Vincent Kumar, Advocate SR.No.47915
+1cc to Government Pleader SR.No.48919

W.P.No.18404 of 2018

SVI (CO)
GN(01/08/2018)



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