

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2018
Coram

The Hon'ble Mr. Justice Satrughana Pujahari

Writ Petition Nos. 19524 & 19525 OF 2018

1. Mr. D. Edwinmery Pal	Petitioner in WP No.19524/2018
2.	
3. Mrs. M. Prema Latha	Petitioner in WP No. 19525/2018

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.

Common Prayer

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondent No. 1 to approve the petitioners's appointment as Office Assistant in the Scott Christian College in the sanctioned vacancy caused by the promotion of Mr. M. Suyambu and Mr.P.John Henry respectively with effect from 02.01.2004 and approve the appointment of the petitioners from 07.02.2006 to 14.11.2014 in the light of the approval given by the respondent No. 1 to the similarly placed persons one Mr. G. Radhakrishnan vide Na.Ka. No. 9626/F2/2017 dated 05.07.2018, in WP No. 1502 of 2017 and Mr. N.Thangavel vide Na.Ka.No. 57031/F2/2013 dated 22.05.2014 with all monetary benefits and other attendant benefits with effect from 07.02.2006 to 14.11.2014 based on the review petition given by the petitioners dated 16.10.2015 and 12.07.2018.

For petitioners in both W.Ps. : Mr. Martinjayakumar
For Respondent Nos. 1 & 2 : Mrs. P. Kavitha,
Government Advocate
For Respondent No. 3 : Mr.S. Bharathi Raja

COMMON ORDER

Heard Mr. Martinjayakumar, the learned counsel appearing for the petitioners, Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of respondents 1 and 2 and Mr. S.Bharathi Raja, the learned Standing Counsel, who accepts notice on behalf of the third respondent.

2. The grievance of the petitioners, in these cases is that though they were appointed by the third respondent against the sanctioned vacancies as Office Assistants on 02.01.2004, their appointment was not approved by the first respondent. Challenging the same, the petitioners had approached this Court in WP Nos. 21286 and 21287 of 2015 which were disposed of on 15.07.2015 with a direction to dispose of the representations of the petitioners seeking approval from the date of appointment within eight weeks. However, the representations of the petitioners were rejected vide proceeding, dated 16.09.2015 bearing Na.Ka.No.30177/F2/2015 by the first respondent on the ground that since the proposal for approval for appointment was not issued soon after their appointment and only after eleven years, that too, during period, when there was also ban for recruitment, hence, the representations to approve their appointment were rejected. Now, the petitioners have filed a Review Petitions to review such rejection order on the ground that, in similar case, appointment has been approved after the date of appointment and now seeks for disposal of such Review Petitions.

3. The learned counsel appearing for the petitioners submits that such Review Petitions were filed by the petitioners on 16.10.2015 followed by reminders to the first respondent on 12.07.2018 and 13.07.2018 respectively and he seeks writ of mandamus to the first respondent to dispose of such Review Petitions.

4. The learned Government Advocate for the respondents 1 and 2 would submit that the petitioners' case having already been decided, no scope of review is there. However, the Authority, if so desires, can dispose of the Review Petitions in its own merit.

5. It is needless to say that after direction of this Court, the representations of the petitioners have been disposed of by reasoned orders, rejecting the claim of the petitioners, and nothing has been brought to the notice of this Court that the aforesaid orders are liable for review. Since there is no provision for review, the prayer made in these Writ Petitions

appear to this Court to be without any substance. However, as pointed by the learned Government Advocate for the respondents 1 and 2, if the authority so desires, they may take a decision on such Review Petitions preferred by the petitioners, preferably, within a period of eight weeks from the date of receipt of copy of this order.

6. With the aforesaid order, the Writ Petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
2. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

+2cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.52211,52212

+2cc to Mr.S.Bharathirajan, Advocate, S.R.No.51585,51586

+1cc to the Government Pleader, S.R.No.52446

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RK(CO)

GSP(21/08/2018)

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