IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.16833 of 2010

D.Asha Chandrika ... Petitioner

Vs

1.The Regional Commissioner,
University Grant Commission,
Regional Office,
Hyderabad.

2.The Vice Chancellor
Manonmaniam Sundaranar University,
Tirunelveli.

3.The Principal
Scott Christian College,
Nagercoil,
Kanyakumari District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to release the petitioner's substitute salary as Guest Lecturer basis for the period of 21.08.2001 to 27.03.2002.

For Petitioner : Mr.R.Ezhilarasan
For R1 : Mr.P.R.Gopinathan
For R2 : Mr.S.Nambi Arooran
For R3 : Mr.S.Bharathirajan

ORDER

The prayer made in this writ petition is to issue a mandamus, directing the first respondent to release the petitioner's substitute salary as Guest Lecturer basis for the period from 21.08.2001 to 27.03.2002.

2.Upon notice, the first respondent filed a detailed counter affidavit, wherein, in para 13, it has been averred as follows:

"The respondent humbly submits that the approval of Affiliating University is necessary for the appointment of Substitute Teacher in respect of

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the candidates appointed in place of Teacher Fellows. In this case, no such approval for her appointment as a substitute teacher has been accorded by the M.S.University, Tirunelveli, the 2nd respondent herein and hence this office could not release the salary to the candidate. In case, the University accord its ex-post facto Approval for her appointment as Guest Lecturer, her request for the release of Substitute Teacher Salary as Guest Lecturer basis @ Rs.3,000/- per month for the period from 21.08.2001 to 27.03.2002, could be considered on merits and in accordance with law."

3.However, when the matter was taken up for consideration, the learned counsel for the first respondent fairly submitted that the first respondent would consider the claim of the petitioner, with regard to payment of salary for the period in question, if the petitioner approaches the first respondent with a fresh representation, which has not been refuted by the learned counsel for the petitioner.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the petitioner to submit a fresh representation along with a calculation memo with regard to the salary payable to her for the period in question working as Guest Lecturer, to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

5.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-V)

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Sub Assistant Registrar

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To

1.The Regional Commissioner,
University Grant Commission,
Regional Office,
Hyderabad.

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Manonmaniam Sundaranar University,
Tirunelveli.

3.The Principal
Scott Christian College,
Nagercoil,
Kanyakumari District.

+ 1 cc to M/s. Ajmal Associates, Advocate Sr.45635
+ 1 cc to Mr. R. Ezhilarasan, Advocate Sr.45632
+ 1 cc to Mr. S. Bharathi Rajan, Advocate Sr.45542
+ 1 cc to Mr. P.R. Gopinathan, Advocate SR.46352

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