

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.27996 of 2018

Dr.M.Prabhakaran

.. Petitioner

Vs

1. The Director of Collegiate Education,
College Road,
Chennai 600 006.

2. The Joint Director of Collegiate Education,
Madurai Region,
Mdurai.

3. The Secretary,
Vivekananda College,
Madurai

.... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the 1st respondent herein to approve and regularize the petitioner's appointment as Librarian in the sanctioned retirement vacancy of Mr.S.Nellainayagam with effect from 28.07.2006 to 18.04.2013 in the light of the approval given by the 1st respondent to the similarly placed persons like G.Anne Nithya in Na.Ka.No.31159/F2/2017 dated 23.04.2018 and J.Premakumari and others in Na.Ka.No.33733/F2/2005 dated 01.09.2014 in WP No.17368 of 2005 dated 29.06.2005, WA.Nos.140, 811 of 2006 and 809 of 2007, and in SLP Nos.19526 to 19528 of 2013 with monetary service and all other benefits for the said period based on the representations dated 28.08.2013 & 23.01.2018 given by the petitioner.

For Petitioner : Mrs.A.V.Bharathi
for E.Martin Jayakumar
For Respondent : Mrs.P.Kavitha
Government Advocate

ORDER

Mrs.P.Kavitha, learned Government Advocate accepts notice on behalf of respondents. No notice be issued to the 3rd respondent inasmuch as, no relief is sought for against the 3rd respondent.

2. The case of the petitioner is that he was appointed as a librarian in the 3rd respondent college against a sanctioned vacancy on 28.07.2006 but the petitioner's appointment has been approved since 19.04.2013 by the 3rd respondent. The petitioner appointment has been made since 28.07.2006. Therefore, the 3rd respondent college has been sending proposal to the 1st and 2nd respondent to acknowledge the approval i.e the appointment of the petitioner from the date of his appointment in view of the settled position of law in this regard. The petitioner has also made several representations, last one of which was made on 23.01.2018. But no action on the same having been taken, the petitioner has come to this Court challenging such inaction of the respondents by seeking a prayer to approve his appointment from the date on which he was actually appointed.

3. During the course of hearing, the learned counsel appearing for the petitioner submits that the petitioner though sought for the aforesaid larger relief but he now wants to confine the prayer for disposal of his representation by the 1st respondent within a stipulated period and as such, the writ petition be disposed of with the aforesaid direction.

4. P.Kavitha, learned Government Advocate accepts notice on behalf of respondents submits that if such proposal is pending and no decision on the same have not been taken yet, the 1st respondent shall have no objection to consider the same but submits that this Court should not put any fetter on the 1st respondent for consideration of such representation in any particular manner.

5. Regard being had to the facts and circumstances of this case, especially the nature of relief sought for, this Court therefore dispose of this writ petition at the stage of admission with a direction to the 1st respondent to take an informed and considered decision on such proposal of the 3rd respondent followed by the representation of the petitioner dated 23.01.2018, in the manner known to law, within a period of six weeks from the date of receipt of copy of this order, if there is no other legal impediment. However it is made clear

that this Court has not expressed any opinion on merit of such representation submitted by the petitioner. No costs.

26.10.2018

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Index : Yes/No
Internet : Yes/No

To

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SATRUGHANA PUJAHARI.,J
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