

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.30886 of 2018

Dr.R.C.Rajan Udhayakumar

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Petitioner

Vs

1.Government of Tamil Nadu

Represented by its Secretary
Higher Education
Fort St. George.
Chennai-600 009.

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

3.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli-627 007.

4.The Correspondent/Secretary
Nesamony Memorial Christian College,
Martandam-629 165,
Kanyaumari District.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to approve and regularise the petitioner's appointment as Lecturer in Zoology in the 4th respondent college, in the sanctioned retirement vacancy of Mr.M.Kesary (S.G.Lecturer) with effect from 18.06.2002 to 29.07.2007 in the light of approval given by the 1st Respondent to the similarly placed person in G.O.(3D).No.4 Higher Education (E2) Department dated 06.03.2014 with all attendant, service and monetary benefits.

For Petitioners
For Respondent

: M/s. P.Ganesan
: Mrs. P.Kavitha,
Government Pleader (Education)
for R1 and R3
Mr.S.Bharathirajan - for R4

O R D E R

The petitioner was appointed as Lecturer in Zoology on 12.06.2002 in Nesamony Memorial Christian College, Martandam, Kanyakumari District in the retirement vacancy of one Mr.M.Kesary. The said post was a sanctioned post by the proceedings of the second respondent dated 20.10.2015. It is the grievance of the petitioner that the appointment of the petitioner was approved only with effect from 30.07.2007, whereas his date of joining was 12.06.2002. The petitioner further submits that the appointment of similarly placed persons as that of the petitioner were approved and regularised by the second respondent in the year 2014. Hence, expressing his grievance, the petitioner has submitted a representation dated 05.09.2018 to the respondents, which has not been considered till date. Therefore, the petitioner has filed the present writ petition seeking direction to the respondents herein to approve and regularise the petitioner's appointment as Lecturer in Zoology in the 4th respondent college, in the sanctioned retirement vacancy with effect from 18.06.2002 to 29.07.2007 in the light of approval given by the 1st Respondent to the similarly placed person in G.O.(3D).No.4 Higher Education (E2) Department dated 06.03.2014 with all attendant, service and monetary benefits.

2. Mr.R.S.Selvam, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.Bharathirajan takes notice for the fourth respondent.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the first and second respondents to consider the representation submitted by the petitioner dated 05.09.2018 and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the 1st respondent to consider the representation submitted by the petitioner dated 05.09.2018, filed by the petitioner and pass orders thereon, in accordance with law, within a period of eight weeks from the date of

receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kst

To

- 1.Government of Tamil Nadu
Representted by its Secretary
Higher Education
Fort St. George.
Chennai-600 009.
- 2.The Director of Collegiate Education
College Road,
Chennai-600 006.
- 3.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli-627 007.

+1cc to Mr.S.Bharathirajan, advocate sr.no.79858
+1cc to Mr.P.Ganesan, Advocate sr.no.80039
+1cc to Government Pleader sr.no.80959

W.P.No.30886 of 2018

spd(co)
nr 20/12/2018

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