

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31566 of 2018

Dr.M.Jeevitha

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Petitioner

Vs

- 1.Government of Tamil Nadu
represented by its Secretary
Higher Education Department
Fort St.George, Chennai 600 009.
- 2.The Director of Collegiate Education
College Road, Chennai - 600 006.
- 3.The Joint Director of Collegiate Education
Tirunelveli Region, Tirunelveli.
- 4.The Secretary, Pope's College,
Swayerpuram
Tuticorin District - 628 251. Respondents

For Petitioner : Mr.P.Ganesan

For Respondent : Mrs.Thangavadhana Balakrishnan,
Spl.G.P - for R1 to R3
Mr.Bharathi Raja - for R4

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second respondent to consider and pass orders on the representation dated 21.02.2018 made by the petitioner to approve the appointment as Assistant Professor (Botany) with effect from 28.10.2016 and pay the salary, based on the proposal sent by the fourth respondent college dated 10.08.2017 and 30.10.2017.

O R D E R

This writ petition is filed seeking direction to the directing the second respondent to consider and pass orders on the representation dated 21.02.2018 made by the petitioner

seeking approval of the petitioner's appointment as Assistant Professor (Botany) and pay the salary, based on the proposal sent by the fourth respondent college dated 10.08.2017 and 30.10.2017.

2. The petitioner got appointed as Assistant Professor in Botany department on 12.12.2016 in the retirement vacancy. It was a sanctioned post. Based on the proposal sent by the fourth respondent college, Manomaniam Sundaranar University approved the appointment of the petitioner by a letter dated 27.07.2017. Subsequently, the fourth respondent forwarded the approval of the University to the second and third respondents, which has been neither approved nor returned till date. Subsequently, the petitioner sent a representation to the second and third respondents dated 21.02.2018, which has also not been considered. Therefore, the petitioner has filed the present writ petition.

3. Mr.V.Kathirvelu, learned Special Government Pleader takes notice on behalf of respondents 1 to 3.

4. Learned counsel for the petitioner pointed out that in similar facts and circumstances in the writ petitions filed by similarly placed persons, this Court in W.P.Nos.26780 to 26782 of 2017, by the order dated 03.11.2017, has held as follows.

"Besides, in the present case also, the third respondent College is a minority institution receiving grant-in-aid from the State Government for both teaching as well as non-teaching staff. Secondly, the petitioners were appointed as Assistant Professor in a retirement vacancies occurred on account of retirement. Thirdly, the first respondent also in his proceedings dated 28.10.1999, had permitted the third respondent college to fill up the vacancies that arose in the vacant posts of the year 1999-2000 and it is further stated they had sanctioned five posts of Assistant Professors, in which, in the present case, the petitioners were appointed on retirement of aforesaid persons. Therefore, for the reasons stated above, the first respondent is directed to receive the proposal and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order."

5. Considering the facts and circumstances of the present writ petition, this Court is of the view that the aforesaid order squarely applies to the facts of the present case. Under the circumstances, the second respondent is directed to consider the representation of the petitioner dated 21.02.2018, based on

the proposal sent by the fourth respondent college dated 10.08.2017 and 30.10.2017, taking into account the order passed by this Court in W.P.Nos.26780 to 26782 of 2017 dated 03.11.2017, and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and pass orders thereon, in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

- 1.The Secretary
Government of Tamilnadu
Higher Education Department
Fort St.George, Chennai 600 009.
- 2.The Director of Collegiate Education
College Road, Chennai - 600 006.
- 3.The Joint Director of Collegiate Education
Tirunelveli Region, Tirunelveli.
- 4.The Secretary, Pope's College, Swayerpuram
Tuticorin District - 628 251.

+1cc to Mr.P.Ganesan, Advocate, S.R.No. 82501
+1cc to the Government Pleader, S.R.No.82991

W.P.No.31566 of 2018

RK(CO)
GN(07/02/2019)

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