

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33335, 33343 and 33344 of 2018

P.Packia Thiso BenitaPetitioner in W.P.33335/2018
D.Mariammal ... Petitioner in W.P.33343/2018
L.Jain Petitioner in W.P.33344/2018

Vs

- 1.The State of Tamil Nadu
represented by its Secretary
Department of 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
Tirunelveli Region, Tirunelveli.
 - 4.The Correspondent / Secretary,
Pope's College, Swayerpuram
Tuticorin District - 628 251
-Respondents in all the W.Ps.

For Petitioner : Mr.A.Rajesh
For Respondent : Ms.Thangavadana Balakrishnan-
for R1 to R3
Mr.Bharathi Raja for R4

Prayer in W.P.No.33335 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second and third respondents herein to approve the appointment of the petitioner as Office Assistant in the Pope's College, Sawyerpuram in the sanctioned vacancy caused by the retirement of Mrs.Rathnabai with effect from 01.11.2016 with all attendant monetary and service benefits.

Prayer in W.P.No.33343 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second and third respondents herein to approve the appointment of the petitioner as Sweeper in the

Pope's College, Sawyerpuram in the sanctioned vacancy caused by the promotion of Mrs.Markaret Jabasili with effect from 28.10.2016 with all attendant monetary and service benefits.

Prayer in W.P.No.33344 of 2018 : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the second and third respondents herein to approve the appointment of the petitioner as Scavenger in the Pope's College, Sawyerpuram in the sanctioned vacancy caused by the retirement of Mrs.Jabaraj with effect from 01.11.2016 with all attendant monetary and service benefits.

O R D E R

These writ petitions are filed seeking direction to the the second and third respondents herein to approve the appointment of the petitioners in the Pope's College, Sawyerpuram in the sanctioned vacancies, with all attendant monetary and service benefits, based on the proposal sent by the fourth respondent college.

2. The petitioners were appointed as non-teaching staff in the fourth respondent college, against sanctioned posts. Subsequently, the fourth respondent sent letters to the second and third respondents, seeking for approval of appointment of the petitioners, which has been neither approved nor returned till date. Subsequently, the petitioners also sent a representation to the second respondent, which has also not been considered. Therefore, the petitioners have filed the present writ petition for appropriate relief.

3. Mrs.Thangavadhana Balakrishnan takes notice on behalf of respondents 1 to 3 and Mr.Bharathi Raja takes notice for fourth respondent.

4. Learned counsel for the petitioners pointed out that, under similar facts and circumstances in the writ petition filed by a similarly placed person, this Court in W.P.No.28038 of 2017, by the order dated 02.11.2017, has held as follows.

"The respective respondents are directed to approve the appointments of non-teaching staff in the private aided colleges in these cases and to sanction grant, within a period of four weeks from the date of receipt of a copy of this order.

Thus, the issue is well settled now that any college, either minority / private / aided or unaided, is entitled to fill up the vacancy arising on account of promotion, retirement, removal, dismissal etc., against a sanctioned post already approved by the

college authorities, without even obtaining prior permission from the Government. In the cases on hand, admittedly, the writ petitioners have been appointed against vacancies relating to sanctioned posts as non-teaching staff in various cadres and therefore, by following the above cited case laws, this Court hereby directs the respective respondents to approve the appointments of the non-teaching staff by the private aided colleges and to sanction the grant 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 petitions, this Court is of the view that the aforesaid order squarely applies to the facts of the present cases. Under the circumstances, the second and third respondents are directed to consider the representations of the petitioners, based on the proposal sent by the fourth respondent college regarding the appointment of the petitioners to the non-teaching posts in the fourth respondent college, taking into account the order passed by this Court in W.P.No.28038 of 2017, dated 02.11.2017, cited in paragraph No.4 supra, 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. The writ petitions are disposed of accordingly. No costs.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

kst
To

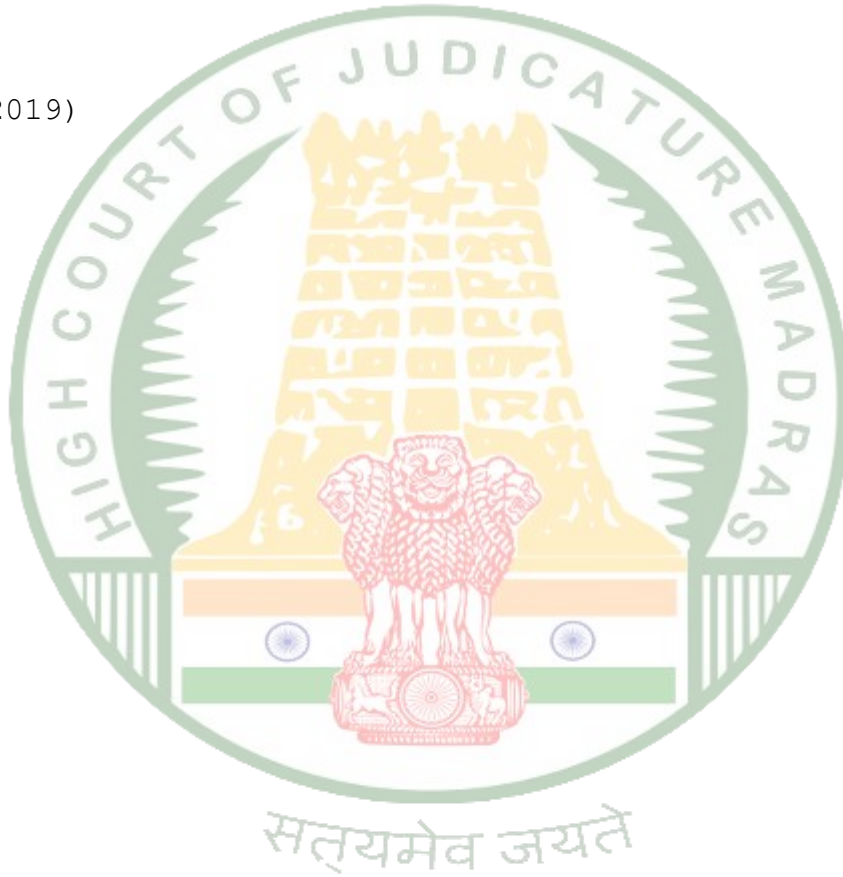
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+3 Ccs to Mr.S. Bharathiraja, Advocate sr 86660, 86661, 86662.
+3 Ccs to Mr.A.Rajesh, Advocate sr 86664, 86665, 86663.

W.P.No.33335, 33343
and 33344 of 2018

CNR (CO)
SP (31/01/2019)



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