

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33571 of 2018

Dr.Zakir Hussain College
rep.by its Secretary Mr.V.M.Jafarulla Khan
S/o V.M.Mohammed Kassim
Kadher Pitchai Street, Illayangudi
Sivagangai District. Petitioners
Vs

1.The Director of Collegiate Education
College Road, Chennai 600 006.
2.The Regional Joint Director
Collegiate Education, Madurai Region
Madurai. Respondents

For Petitioner :M/s.E.Martin Jayakumar

For Respondent :Ms.Thangavadhana Balakrishnan
Additional Government Pleader

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent to approve the appointment of 9 non teaching staff viz., Office Assistant-1, Sweeper-3, Scavenger-1, Watchman-2, Waterman-1 and Gardener-1 in the sanctioned vacancies in the petitioner's college with effect from 04.01.2018 with monetary and all other attendant and service benefits based on the proposal given by the petitioner college dated 22.01.2018.

सत्यमेव जयते
O R D E R

The petitioner college has been sanctioned with 25 posts of non teaching staff under the Aided Scheme, in and by the proceedings of the first respondent dated 08.02.1988. Based on the same, the petitioner had appointed staff members to the above sanctioned vacancies. Thereafter, the petitioner sent a proposal to the first respondent through the second respondent, dated 22.01.2018, for approving the appointments from the date of their appointment, which is not yet considered by the respondents. Hence, the petitioner college has filed the present writ petition.

2. Ms.Thangavadhana Balakrishnan, learned Additional Government Pleader takes notice on behalf of the respondents.

3. Learned counsel for the petitioner submits that on earlier occasion, similarly placed minority educational institution challenged the G.O.Ms.No.219 Higher Education(D1) Department dated 24.10.2013, in W.P.Nos.6679 and 6680 of 2016 and this Court by an order dated 24.11.2017, set aside the abovesaid Government Order. Learned counsel further submits several writ petitions were filed before this Court, challenging the rejection order passed by the Joint Director of Collegiate Education based on the G.O.Ms.No.219 and the said writ petitions were allowed. The Writ Appeals filed by the Government challenging the said orders were dismissed.

4. In the light of the fact that the issue in this writ petition has already been covered by the judgment of this Court, the first respondent is directed to consider the proposal given by the petitioner college dated 22.01.2015 with respect to the approval of the appointment of 9 nine teaching staff in the sanctioned vacancies, and pass orders on merits and 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kst
To

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

2.The Regional Joint Director
Collegiate Education, Madurai Region
Madurai.

+1 CC to M/s.E.Martin Jayakumar, Advocate sr 87775.

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GJ(CO)
SP(09/01/2019)