

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33971 of 2018

G.T.N.Arts College,
rep.by its Secretary Mr.V.Athinatanasamy Petitioner

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 :Mrs.A.V.Bharathi for Mr.E.Martin Jayakumar

For Respondents :Mrs.Thangavadhana Balakrishna, AGP

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to approve the appointment of the 11 non-teaching staffs, viz., Museum Keeper-1, Sweeper-4, Waterman-1, Scavenger-1, Gardener-1, Watchman-2 and Marker-1 in the sanctioned vacancies in the petitioner's College in the light of the recommendation sent by the 2nd respondent vide proceedings Na.Ka.No.11959/U2/2018 dated 30.11.2018 and based on the representation given by the petitioner college dated 16.10.2018.

सत्यमेव जयते
O R D E R

The petitioner college is a Government Aided College and as per the proceedings of the first respondent, the petitioner college was sanctioned with 34 posts for non teaching staff under the aided scheme. Out of the above 34 posts, 11 posts had fallen vacant and the college filled up those posts on 22.10.2018. The petitioner college sent a proposal to the first respondent through the second respondent on 16.10.2018 seeking approval for the above appointments to the non teaching posts. However, no orders are passed by the first respondent till date and that has forced the petitioner to file the present writ petition for appropriate relief.

2. 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 in W.A (MD) Nos.461 and 462 of 2016, challenging the said orders were dismissed. The Government further challenged the judgment of the Division Bench before the Supreme Court in S.L.P.No.22766 of 2013, which was also dismissed by the Supreme Court. Hence, the learned counsel seeks the intervention of this Court by directing first respondent to approve the appointment of the 11 non-teaching staffs in the light of the recommendation sent by the 2nd respondent dated 30.11.2018 and based on the representation given by the petitioner college dated 16.10.2018.

3. Ms.Thangavadana Balakrishnan, learned Additional Government Pleader takes notice on behalf of the respondents.

4. In the light of the fact that the issue in this writ petition has already been covered by the judgment of this Court which is upheld upto Honourable Supreme Court, the first respondent is directed to consider the proposal given by the petitioner college dated 16.10.2018 with respect to the approval of the appointment of 11 non- teaching staff in the sanctioned vacancies, in the light of the recommendation sent by the 2nd respondent dated 30.11.2018, 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

Sd/-

सत्यमेव जयते
Assistant Registrar(CS-VI)

//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.

+1cc to Mr.E.Martin Jayakumar, Advocate SR.No.89653

+1cc to Government Pleader SR.No.89922

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VSN II (CO)
GMV (23/01/2019)



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