

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.33769 of 2018

Dr.R.S.Raja Sree

....Petitioner

Vs

- 1.The State of Tamil Nadu
Rep by Secretary
Department of Higher Education
Fort St. George, Chennai.
 2. The Director of Collegiage Education,
College Road, Chennai - 600 006.
 3. The Joint Director of Collegiate Education,
Thirunelveli Region, Thirunelveli - 627 007.
 4. The Correspondent / Secretary
Scott Christian College, Nagercoil - 629 003.
Kanyakumari District.
-Respondents

For Petitioner :M/s.R.Natrtamil

For Respondent :Mrs.Thangavadhana Balakrishnan
Additional Government Pleader - for R1 to R3

Mr.Bharathi Raja, Standing Counsel - For R4

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 2nd and 3rd respondents herein to approve the petitioner's appointment as Assistant Professor in Tamil in the Scott Christian College, Nagercoil in the sanctioned retirement vacancy of Dr.C.Pragasa Nithilavathy with effect from 18.06.2018 in the light of approval given by the 2nd respondent to the similarly placed persons Na.Ka.No.14935/F2/2017 dated 10.08.2017, Mu.Mu.No44350/F2/2017 dated 02.04.2018, and Mu.Mu.No47611/F2/2017 dated 18.04.2018 in W.A.No.2318 of 2011 dated 11.10.2013 with monetary and all other attendant and service benefits and to pass such further or other order or orders as this Hon'ble court may deem fit and proper in the fact and circumstances of the case and thus render justice.

O R D E R

This writ petition is filed seeking direction to the 2nd and 3rd respondents herein to approve the petitioner's appointment as Assistant Professor in Tamil in the Scott Christian College, Nagercoil in the sanctioned retirement vacancy with effect from 18.06.2018 in the light of approval given by the 2nd respondent to the similarly placed persons pursuant to the orders passed by this Court in W.A.No.2318 of 2011 dated 11.10.2013 with monetary and all other attendant and service benefits.

2. The petitioner was appointed as Assistant Professor in Tamil department on 18.06.2011 in the retirement vacancy. It was a sanctioned post. The fourth respondent forwarded the proposal to the second and third respondents on 24.11.2018, which has been neither approved nor returned till date. Subsequently, the petitioner sent a representation to the second and third respondents on the same day ie., 24.11.2018, which has also not been considered. Therefore, the petitioner has filed the present writ petition.

3. Ms.Thangavadhana Balakrishnan, learned Additional Government Pleader takes notice on behalf of respondents 1 to 3. Mr.Bharathi Raja, Standing Counsel takes notice for R4.

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 by an order dated 04.12.2017 in W.P.No.30297 of 2016, had directed the respondents therein to consider the proposal sent by the college and pass appropriate orders.

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 24.11.2018, based on the proposal sent by the fourth respondent college dated

24.11.201, taking into account the order passed by this Court in W.P.No.30297 of 2016 dated 04.12.2017, 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, and pass orders thereon, in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

kst

To

1. The State of Tamil Nadu
Rep by Secretary, Department of Higher Education
Fort St. George, Chennai.
2. The Director of Collegiage Education,
College Road, Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Thirunelveli Region, Thirunelveli - 627 007.
4. The Correspondent/Secretary
Scott Christian College, Nagercoil - 629 003.
Kanyakumari District.

+1 cc to Mr.R.Natrtamil, Advocate, S.R.No.87755

+1 cc to Mr.S.Bharathi Raja, Advocate, S.R.No.87754

+1 cc to the Government Pleader, S.R.No.88939

W.P.No.33769 of 2018

GP(CO)
SSM(09/01/2019)

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