

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.34062/2018

Dr.M.Veeranan

.. Petitioner

Vs

- 1.The Director of Collegiate Education,
College Road, Chennai 600 006.
- 2.The Joint Director Collegiate Education
Madurai Region, Madurai.
- 3.The Secretary-cum-Correspondent
Pasumpon Muthuramalinga Thevar College
Usilampatti-626 532.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent herein to approve the petitioner appointment as Assistant Professor in Sociology in the 3rd respondent College in the sanctioned voluntary retirement vacancy of Dr.P.Vijayan with effect from 06.04.2017 in the light of the approval given by the 1st respondent to the similarly placed persons like Dr.T.Sarveswaran and 4 others in Na.Ka.No.23239/G4/2017 dated 10.11.2017 and 07.12.2017 in WP.Nos.14675 to 14680/2017 dated 27.06.2017 based on the order in WA.No.2318/2011 P.Ravichandran Vs The State of Tamil Nadu dated 11.10.2013 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 08.06.2017.

For Petitioner : Mr.E.Martin Jayakumar

For RR 1 & 2 : Mrs.Thangavadhana Balakrishna, AGP

O R D E R

The petitioner got appointed as Assistant Professor in Sociology department on 06.04.2017 in the retirement vacancy. It was a sanctioned post. The third respondent college, sent a

proposal dated 30.10.2018 to the first and second respondents for approving the appointment of the petitioner. It is claimed that similarly placed persons' appointments were approved by the first respondent from the date of the appointment vide his proceedings dated 10.11.2017 and 07.12.2017 based on the order passed by this Court in W.A.No.2318 of 2011 dated 11.10.2013. The second respondent also had sent a recommendation to the first respondent on 27.11.2018 regarding the approval of the appointment of the petitioner. The petitioner made a representation dated 08.06.2017 to the first respondent, seeking approval of his appointment, which has not been considered. Therefore, the petitioner has filed the present writ petition.

2. Ms.Thangavadana Balakrishnan, learned Additional Government Pleader takes notice on behalf of respondents 1 and 2.

3. Learned counsel for the petitioner relies upon the judgment of the Division Bench of this Court, by an order dated 11.10.2013 in W.A.No.2318 of 2011, wherein this Court had held as follows,

"There is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Tamil Nadu Private Colleges (Regulation) Rules, 1976 to seek prior permission to fill up any vacant post in an aided college, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules."

4. Learned counsel for the petitioner further pointed out that in similar facts and circumstances in the writ petitions filed by similarly placed persons, this Court in W.P.Nos14675 to 14680 of 2017, this Court, by an order dated 27.06.2017, had directed the respondents therein to consider the proposals sent by the college in the light of the order passed by this Court in W.A.No.2318 of 2011.

5. Considering the facts and circumstances of the present writ petition, this Court is of the view that the aforesaid judgment in W.A.No.2318 of 2011 squarely applies to the facts of the present case. Under the circumstances, the first respondent is directed to consider the representation of the petitioner dated 08.06.2017, based on the proposal sent by the third respondent college dated 30.10.2018, taking into account the order passed by this Court in W.P.Nos.14675 to 14680 of 2017

dated 27.06.2017, 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 Director of Collegiate Education,
College Road, Chennai 600 006.
- 2.The Joint Director Collegiate Education
Madurai Region, Madurai.
- 3.The Secretary-cum-Correspondent
Pasumpon Muthuramalinga Thevar College
Usilampatti-626 532.

+1 cc to M/s.E.Martin Jayakumar, Advocate Sr.No.89655

+1 cc to The Government Pleader, Sr.No.89924

W.P.No.34062 of 2018

VSN-II (CO)
CSL/24.01.2019

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