

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.34029/2018

P.Dominic Anderson

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Petitioner

Vs

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

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

3.The Secretary
St.Justin's College of Education,
Madurai 625 009.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing directing the 1st respondent to approve the petitioner appointment as Watchman in the 3rd respondent College in the sanctioned vacancy caused by the retirement of Mr.V.Mariadasan with effect from 22.06.2016 in the light of the order passed in W.A.(MD)Nos.461 and 462 of 2016 dated 22.04.2016 and in Special Leave Petition No.22766 of 2017 dated 12.10.2018 with monetary and all other attendant and service benefits based on the proposal given by the 3rd respondent college dated 24.10.2018 and the representation of the petitioner dated 22.10.2018.

For Petitioner

:

Mr.E.Martin Jayakumar

For RR 1 & 2

:

Mrs.Thangavadhana
Balakrishna, AGP

O R D E R

By the proceedings of the first respondent dated 03.06.1977, the third respondent college, which is a Government Aided College was sanctioned with teaching and non teaching posts under the aided scheme. The petitioner was appointed on 22.06.2016, as watchman in the third respondent college in the

retirement vacancy. The third respondent college sent a proposal to the first respondent through the second respondent on 30.06.2016 and 24.10.2018, seeking approval for the above appointment to the non teaching post. However, no orders are passed by the first respondent till dat. The petitioner also made a representation to the first respondent dated 22.10.2018, which has also not been considered till date and hence the petitioner to file the present writ petition for appropriate relief.

2. Learned counsel for the petitioner submits by G.O.Ms.No.219 Higher Education(D1) Department dated 24.10.2013, the Government had sanctioned only 50% of the posts to the government aided institutions. The said Government order was challenged 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 petitioner in the light of the recommendation proposal sent by the third respondent college dated 30.06.2016 and 24.10.2018.

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, the first respondent is directed to consider the proposal given by the third respondent college dated 30.06.2016 and 24.10.2018 with respect to the approval of the appointment of the petitioner in the sanctioned vacancy, 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/-
Assistant Registrar(CS IV)

//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.

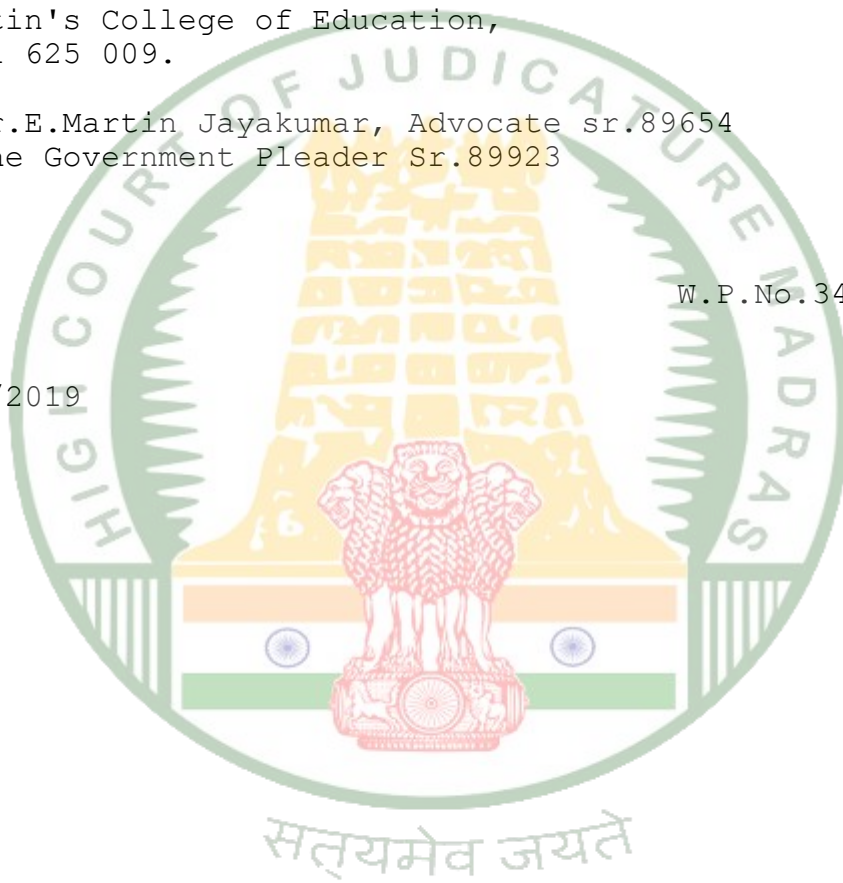
3.The Secretary
St.Justin's College of Education,
Madurai 625 009.

+1cc to Mr.E.Martin Jayakumar, Advocate sr.89654

+1cc to the Government Pleader Sr.89923

W.P.No.34029 of 2018

sr[col]
srg 25/01/2019



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