



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1170 of 2018
and
W.M.P. (MD) .1250 & 1251 of 2018

G.M.Sundersingh

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.
2. The Director of Collegiate Education,
College Road, Chennai-600 006.
3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli-627 002.
4. The Registrar, Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli-627 012.
5. Nesamany Memorial Christian College,
Marthandam, Kanyakumari District-629 165,
Representated by its Secretary.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent Joint Director of Collegiate Education in O.Mu.No.3004/E2/2017 dated 23.06.2017 and quash the same and further direct the second and third respondents to approve forthwith the petitioner's appointment as Assistant Professor in History in the fifth respondent College with effect from the date of his appointment viz., 03.07.2014 and release salary and other benefits with effect from the date of his appointment.

For Petitioner : Mr.K.Prabhu

For M/s.Isaac Chambers

For R1 to R3 : Mr.J.Gunaseelan Muthiah

Additional Government Pleader

For R4

: Mr.Md.Imran

For M/s. Ajmal Associates

ORDER

Heard the learned counsel on either side.

2. By consent of both parties, the main Writ Petition itself is taken up for disposal.

3. The petitioner was appointed as Assistant Professor in History in the fifth respondent College.

4. The fifth respondent/College is a minority institution. It is not in dispute that the appointment was made in respect of a sanctioned post. In the earlier round of litigation, this Court by order dated 10.08.2016, made in W.P.(MD).No.14544 of 2016, set aside the order dated 06.06.2016, passed by the fourth respondent/ University and directed them to consider the grant of qualification approval. It is now submitted that the qualification approval has since been accorded by the fourth respondent/University on 01.02.2017. Therefore, the third respondent is not justified in declining to grant approval on the ground that the prior permission was not obtained before making the appointment. The said issue has already been decided in W.P. (MD).No.14544 of 2016.

5. The order made in the Writ Petition is therefore quashed. The respondents 2 and 3 are directed to approve the petitioner's appointment as Assistant Professor in the fifth respondent/College with effect from 03.07.2014 without any delay and disburse the salary and other consequential benefits.

6. The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Higher Education,
The State of Tamil Nadu,
Fort St. George, Chennai-600 009.

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



3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli-627 002.

+ 1 cc TO M/S.Ajmal Associates , Advocate in SR No. 48019

+ 1 cc TO M/S.Isaact Chambers , Advocate in SR No. 47935

+ 1 cc TO The Special Government Pleader in SR No. 48307

tsg

AE/KKR/SAR1/07.05.2018/3P/7C

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