



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3460 of 2018andWMP(MD)No.3608 of 2018

Rev.Fr.S.Basil Xavier

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep.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,
Madurai Region, Madurai - 625 001.
4. Madurai Kamaraj University,
Palkalai Nagar, Madurai - 625 021.
Rep.by its Registrar.
5. The Secretary,
Arul Anandar College (Autonomous),
Karumathur, Madurai - 625 514.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent Joint Director of Collegiate Education to approve forthwith the petitioner's appointment as Lecturer in Philosophy w.e.f., his original date of appointment in the fifth respondent college ie., 01.07.1998 and disburse the grant-in-aid towards the salary and allowances from the said date.

For Petitioner

: Mr.K.Prabhu

For Respondents

: Mr.J.Gunaseelan Muthaiah,
Additional Govt.Pleader

**ORDER**

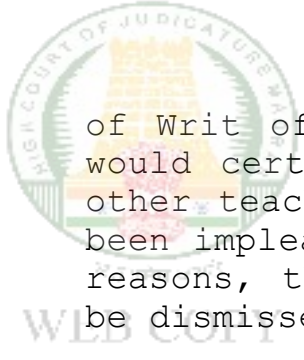
The petitioner is working as a Lecturer in Philosophy in the fifth respondent college. The prayer in the writ petition is that the third respondent must be directed to approve his appointment as Lecturer in Philosophy with effect from his original date of appointment i.e., 01.07.1998 and that the grant-in-aid and other monetary benefits should also be disbursed accordingly.

2.The petitioner's case is that the post of Lecturer in Philosophy in the fifth respondent college fell vacant on 01.07.1998 due to the resignation of the then incumbent. According to the petitioner, the college submitted the proposal to the affiliating university seeking qualification approval. The qualification approval was granted on 09.11.1998. The college management submitted proposal to the third respondent seeking approval of the petitioner's appointment. The third respondent issued proceedings dated 23.02.2000 approved the petitioner's appointment with effect from 28.10.1999 only. According to the petitioner this is incorrect. When the petitioner's original date of appointment is 01.07.1998, the third respondent erred in approving the same only with effect from 28.10.1999. The petitioner had sent a representation dated 14.06.2002 in this regard. Since there was no response, the petitioner is said to have followed up the matter by meeting the authorities in person.

3.The petitioner is constrained to come to this Court since the difference of more than one year has adversely affected his chances of promotion to the post of Principal of the College. If only the petitioner's appointment date is approved with effect from 01.07.1998, he would be eligible for promotion to the post of college Principal. Therefore, this writ petition has been filed.

4.This Court is of the view that this writ petition is liable to be dismissed solely on the ground of laches. Technically also the writ petition is not maintainable. If the petitioner is aggrieved by the order dated 23.02.2000 approving his appointment only with effect from 28.10.1999 and not by 01.07.1998, then he should have been mounted a challenge to the order then and there. Instead, the petitioner has chosen to wait for full 18 years. One can easily see that the real grievance of the petitioner is only with regard to the date of approval of his appointment. The order of transfer granting approval was passed on 23.02.2000. We are now in 2018. In the typed set of papers, the petitioner has enclosed only one representation i.e., dated 07.04.2017. There is no explanation as to why the petitioner did not come to this Court immediately.

5.That apart, the writ petition has been filed in the nature



of Writ of Mandamus. If the petitioner's prayer is granted, it would certainly have a bearing on the inter se seniority of the other teaching staff working in the same college. They have not been impleaded in this writ proceedings. Therefore, for all these reasons, this Court is of the view that the writ petition has to be dismissed at the very threshold stage.

6.The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
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,
Madurai Region, Madurai - 625 001.
4. The Registrar, Madurai Kamaraj University,
Palkalai Nagar, Madurai - 625 021.

+ 1 cc TO M/S.Isaac Chambers , Advocate in SR No. 49947
+ 1 cc TO The Special Government Pleader in SR No. 50196

skm

AE/KKR/SAR2/04.06.2018/3P/7C

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and
WMP (MD) No.3608 of 2018
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