



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.04.2018
CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.8445 of 2018
and
W.M.P.(MD)Nos.7976 to 7978 of 2018

R.Saradha ... Petitioner
-Vs-

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 006.
 - 2.The Director of Collegiate Education,
College Road, Chennai-600 006.
 - 3.The Joint Director of Collegiate Education,
Madurai Region, Madurai,
Madurai District-620 020.
 - 4.The Secretary,
Fatima College (Autonomous),
Mary Land Madurai-625 018,
Madurai District.
 - 5.The Principal,
Fatima College (Autonomous),
Mary Land Madurai-625 018,
Madurai District.
 - 6.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai-625 021,
Represented by its Registrar.
- ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the impugned Notification issued in "Dinamalar" dated 08.04.2018 by the respondent No.4 calling for Curriculum Vitae for filling up the Teaching Post in the Department of English (Regular Courses), and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader.
For R4 and R5 : Mr.T.Cibichakkraborthy,
for M/s.Issac Chambers.

ORDER

The prayer sought for in the writ petition is for a Writ of Certiorari, to call for the records pertaining to the impugned Notification issued in "Dinamalar" dated 08.04.2018 by the 4th respondent calling for Curriculum Vitae for filling up the Teaching Post in the Department of English (Regular Courses), and quash the same.

2. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner, Mrs.S.Srimathy, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.T.Cibichakkraborthy, learned counsel, who takes notice on behalf of the respondents 4 and 5. Since no adverse order is going to be passed against the 6th respondent, notice to the 6th respondent is dispensed with.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner submits that, the petitioner was appointed as Assistant Professor in the Department of English in the regular vacancy (aided) at the 4th respondent college with effect from 16.06.2016. The petitioner's probation period is for two years and within a period of two years, the petitioner would be completing the said probation period also. It is the further submission of the learned counsel for the petitioner that while that being the position, the 4th and 5th respondents allegedly called the petitioner and dictated to resign the post immediately.

5. According to the learned counsel for the petitioner, this dictation had come from the 4th and 5th respondents as they have issued the impugned advertisement, wherein, applications from open market to fill up the post of various teaching faculty were called for, among which the post of Assistant Professor in English also has been called for. Therefore, connecting the impugned advertisement, the learned counsel for the petitioner would submit that in order to fill up the post of Assistant Professor in English on permanent basis, where the petitioner had already been appointed and working all along for nearly two years, the 4th and 5th respondents had directed the petitioner to resign. Therefore, the petitioner is before this Court, challenging the very same notification issued by way of advertisement, calling for applications to fill up the post of Assistant Professor in English at the 4th respondent college.

6. Per contra, the learned counsel, who takes notice on behalf of the respondents 4 and 5, would submit that the cause of action according to the petitioner to file this writ petition is the impugned advertisement, where applications were called for, for three posts of Assistant Professor, out of which, one is no doubt for Assistant Professor in English, wherein the petitioner is working. In order to avoid controversy and to resolve the issue



raised in this writ petition, the learned counsel for the respondents 4 and 5, on instructions, would submit that the college management wanted to withdraw the advertisement given, calling for applications to fill up the post of Assistant Professor in English (one vacancy), wherein the petitioner is already working.

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7. Therefore, the learned counsel for the respondents 4 and 5 submits that this statement can be recorded by this Court and once calling for applications to fill up the post of Assistant Professor in English is given up, the petitioner cannot have any grievance and he can continue in the said post, if he is otherwise eligible in future.

8. Since the learned counsel for the respondents 4 and 5 has made a categorical statement that the post of Assistant Professor in English, for which applications were called for through the impugned notification would be withdrawn and will not be given effect to and the petitioner can continue to work in the said post, subject to other eligible conditions to be fulfilled by her, this Court feels that there is no further issue to be challenged in this writ petition.

9. In view of the undertaking given by the learned counsel for the respondents 4 and 5 on behalf of the said respondents that the post of Assistant Professor (English) at the 4th respondent college shall not be filled up, pursuant to the impugned notification / advertisement, as the same has been given up, and in future insofar as the said posting is concerned, since there can be no impediment for the petitioner to continue in the post, this writ petition is disposed of by recording the said undertaking given by the learned counsel for the respondents 4 and 5. However, in the facts and circumstances of the case, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu, Department of Higher Education, Fort St. George, Chennai-600 006.
 2. The Director of Collegiate Education, College Road, Chennai-600 006.
 3. The Joint Director of Collegiate Education, Madurai Region, Madurai, Madurai District-620 020.
- +1CC to M/s. Isaac Chambers, SR.No. 62159
+1CC to Mr. T. Lajapathi Roy, Advocate, SR.No. 62110
+1CC to the Special Government Pleader SR.No. 62187

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