



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.01.2018

CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2824 of 2014
and
M.P. (MD) .Nos.1 & 2 of 2014

S.Malliga ... Petitioner

Vs.

1.Sarah Tucker College (Autonomous),
Represented by the Secretary Mr.Gunasingh Chelladurai,
Tirunelveli-627 007.

2.The Chairman,
Tirunelveli Diocesan Trust Association (TDTA) Colleges,
Palayamkottai, Tirunelveli.

3.Sarah Tucker College (Autonomous),
Represented by the Principal,
Tirunelveli-627 007.

4.The Manonmaniam Sundaranar University,
Represented by the Registrar, Tirunelveli.

5.The Director,
Directorate of College Education,
College Road, Chennai-600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in L.No.734 of 2014 dated 27.01.2014 and quash the same and consequently direct the respondents to accommodate the petitioner in the permanent vacancy of Record Clerk fallen vacant on 30.11.2012.

For Petitioner : Mr.D.Selvanayagam
for Ahmad Associates

For Respondents : Mr.H.Arumugam for R1 to R3
: Mr.M.Mahood Athiff for R4
for M/s.Ajmal Associates
: Mr.M.Jeyakumar for R5
Additional Government Pleader



ORDER

Heard the learned counsel on either side.

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

3. The petitioner was appointed as Record Clerk on 02.02.2010 in the first respondent college. Vacancy arose in the said post following the promotion of the incumbent. Since the appointment was not approved, he was reverted to the post of Record Clerk. Hence the petitioner was ousted from service. However, in order to provide assistance to the petitioner, she was retained as management staff by order dated 27.01.2014. The same is questioned in this Writ Petition.

4. During the pendency of the writ petition, the management decided to appoint the petitioner as Record Clerk with effect from 25.10.2016. A regular vacancy arose in the said post with effect from 30.11.2012. After appointing the petitioner in October 2016, the proposal was submitted to the fifth respondent for granting approval. It cannot be disputed that a sanctioned vacancy has now arisen. It also cannot be disputed that the management regularly appointed the petitioner with effect from 25.10.2016.

5. Therefore, the fifth respondent is directed to grant approval to the said appointment with effect from 25.10.2016 and disburse the salary. The fifth respondent shall issue appropriate orders in this regard within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands allowed to the extent indicated above. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To
The Director,
Directorate of College Education,
College Road, Chennai-600 006.

+1cc to M/s. Special Government Pleader, SR.No. 43667
+1cc to Mr. H. Arumugam, Advocate, SR.No. 43217
+1cc to M/S. AJMAL ASSOCIATES, Advocate, SR.No. 43299
+1cc to Mr. D. Selvanayagam, Advocate, SR.No. 43701

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