



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.A(MD)No.931 of 2018
and
C.M.P(MD)No.6082 of 2018

- 1.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Madurai Region,
Madurai - 625 020. ... Appellants/Respondents

Vs.

The Secretary,
Rajapalayam Rajus' College,
Rajapalayam - 626 117,
Virudhunagar District. ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 24.02.2015 made in W.P(MD)No.1234 of 2014 and M.P(MD)No.1 of 2014 on the file of this Court.

Prayer in WP(MD).No. 1234/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS or any other appropriate writ, order or direction in the nature of writ, directing the 2nd respondent Joint Director to give approval forthwith to the seven Non-teaching staffs appointed in the petitioners college (Name List annexed) and disburse the grant in aid towards their salaries and allowances w.e.f.their respective dates of appointments with all attendant benefits.

For Appellants : Mr.A.K.Baskara Pandian,
Additional Government Pleader.

For Respondent : Mr.K.Ragatheesh Kumar

JUDGMENT

(Judgment of the Court was delivered by
M.DURAI SWAMY, J.)

Challenging the order passed in W.P(MD)No.1234 of 2014 dated 24.02.2015 the respondents in the Writ Petition have filed the above Writ Appeal.



2.The respondent/writ petitioner filed the Writ Petition in W.P (MD)No.1234 of 2014 to issue a Writ of Mandamus to direct the second respondent-Joint Director of Collegiate Education to give approval forthwith to the seven non-teaching staffs appointed in the petitioner's College and to disburse the grant-in-aid towards their salaries and allowances with effect from their respective dates of appointments with all attendant benefits.

3.According to the writ petitioner, it is a private college established in the year 1973 and is a linguistic minority Educational Institution. Admittedly, there are 37 teaching staffs and 30 non-teaching staffs sanctioned to the College. Out of 30 non-teaching staff posts, seven posts became vacant in the post of sweeper, watchman, gardener and scavenger. In those sanctioned vacancies, the writ petitioner appointed those seven persons listed in the annexure to the writ petition on 10.06.2013. After appointing the said persons, proposal were sent to the second respondent on 18.07.2013 seeking for approval and disbursement of salary. The writ petitioner was informed that since the appointments were made without prior permission of the first respondent, the proposals were kept pending. In these circumstances, the writ petitioner has filed the Writ Petition.

4.The learned Single Judge perused the proceedings, dated 07.10.2013 issued by the Joint Director of Collegiate Education, Madurai Region and found that the approval sought for in the appointment of seven non-teaching staffs was not granted for the reason that the same were made without prior permission from the Director of Collegiate Education. The learned Single Judge following the ratio laid down in *C.Manikandan Vs. State of Tamil Nadu, rep. by its Secretary, Department of Higher Education, Chennai - 600 009 and others* reported in (2012) 4 MLJ 918, disposed of the Writ Petition with a direction to the second respondent to consider the proposal sent by the writ petitioner seeking for approval of the seven non-teaching staffs and pass orders on the same in the light of the decision reported in (2012) 4 MLJ 918 (cited supra).

5.Challenging this order, the respondents in the Writ petition have filed the above Writ Appeal, after a lapse of nearly 3-1/2 years from the date of passing of the order. Now, it is brought to the notice of this Court that the writ petitioner has also filed a contempt petition in Cont.P(MD)No.128 of 2018 and the same is also pending before the learned Single Judge.

6.The learned counsel appearing for the respondent/writ petitioner has stated that till today, the appellants/respondents have not approved the proposal given by the College.

7.The learned Special Government Pleader appearing for the appellants/respondents fairly submitted that the approval would be granted to the writ petitioner-College with all benefits and he has



also fairly submitted that the ratio laid down in the Judgment reported in (2012) 4 MLJ 918 (cited supra) applies to the present case.

8. In these circumstances, we do not find any merits in the Writ Appeal and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (CS III)

/True copy/

Sub Assistant Registrar (CS-II)

To

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

2. The Joint Director of Collegiate Education,
Madurai Region,
Madurai - 625 020.

+1cc to M/s. ISAAC CHAMBERS, Advocate, SR.No.72788

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PS

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