

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 14 of 2019

Dr.H.Santhosha Kumari

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by Secretary,
Department of Higher Education
Fort St. George
Chennai.

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

3. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli- 627 007.

4. The Correspondent/Secretary
Scott Christian College,
Nagercoil-629 003
Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing 2nd and 3rd respondents herein to approve the petitioner's appointment as Assistant Professor in History in the Scott Christian College, Nagercoil, in the sanctioned retirement vacancy of Mr.J.Isaac Newton with effect from 18.06.2018 in the light of the approval given by the 2nd respondent to the similarly placed persons Na.Ka.No.14935/F2/2017 dated 10.08.2017, Mu.Mu.No.44350/F2/2017 dated 02.04.2018, and Mu.Mu.No.47611/F2/2017 dated 18.04.2018 in W.A.No.2318 of 2011 dated 11.10.2013 with monetary and all other attendant and service benefits.

For Petitioner : Mr.R.Natrtamil
For R1 to R3 : Mrs.P.Kavitha, GA
For R4 : Mr.E.Martin Jeyakumar

ORDER

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

2. It is the case of the petitioner that she was appointed as Assistant Professor in History department in the fourth respondent college with effect from 18.06.2018 in the retirement vacancy, which was a sanctioned post. The fourth respondent college sent a proposal dated 24.11.2018 to the respondents 2 and 3, seeking approval for the appointment of the petitioner and the same was not considered. Hence, the petitioner made a representation dated 24.11.2018 to the respondents 2 and 3, which was also not considered, till date. Hence, this writ petition.

3. The learned counsel for the petitioner as well as the learned counsel appearing for the 4th respondent submitted that in similar facts and circumstances, in the writ petitions filed by similarly placed persons in W.P. Nos.14675 to 14680 of 2017, this Court, by an order dated 27.06.2017, had directed the respondents therein to consider the proposals sent by the college in the light of the order dated 11.10.2013 passed by this Court in W.A. No.2318 of 2011, wherein, it is held as follows :

"There is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Tamil Nadu Private Colleges (Regulation) Rules, 1976 to seek prior permission to fill up any vacant post in an aided college, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules".

Hence, the learned counsel prayed for a similar order in this writ petition as well.

4. Mrs.P.Kavitha, learned Government Advocate taking notice for the respondents 1 to 3 fairly submitted that the respondents would consider the petitioner's representation and pass appropriate orders on merits and in accordance with law, within a time frame to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents 2 and 3 to consider the representation of the petitioner dated 24.11.2018, based on the proposal sent by the fourth respondent college dated 24.11.2018 and also taking into account the order dated 27.06.2017 passed by this Court in W.P. Nos.14675 to 14680 of 2017, and pass appropriate orders on merits and in accordance

with law, after affording due opportunity of personal hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ska/vsi-II

To

1. The Secretary,
The State of Tamil Nadu
Department of Higher Education
Fort St. George
Chennai.
2. The Director of Collegiate Education,
College Road,
Chennai- 600 006.
3. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli- 627 007.
4. The Correspondent/Secretary
Scott Christian College,
Nagercoil-629 003
Kanyakumari District.

+2 ccs to Mr.R.Natratalamil, Advocate, S.R.No.2188

+1 cc to Mr.E.Martin Jayakumar, Advocate, S.R.No.1962

GJ-II(CO)
SSM(08/03/2019)

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