

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No. 166 of 2019

Dr.J.Josphin Mini

... Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

3.The Secretary,
Women's Christian College,
Nagercoil.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents herein to approve the petitioner's appointment as Assistant Professor in Botany in the third respondent College, in the sanctioned Retirement vacancy of Dr.Mercy Leelavathy with effect from 14.11.2018 in the light of the order in W.A.No.2318 of 2011, P.Ravichandran Vs The State of Tamil Nadu dated 11.10.2013 and the approval given by the first respondent to the similarly placed persons Dr.S.Grace Victoria and three others vide proceedings Na.Ka.No.41115/F2/2017 dated 29.12.2017 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 26.11.2018.

For Petitioner : Ms.C.R.Rose Radhi Jijo

For Respondents : Ms.P.Kavitha
Government Advocate for R1 and R2
Mr.Issac Mohanlal
Senior Counsel for Ms.Issac Chamber
---- for R3

O R D E R

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 Botany department in the third respondent college with effect from 14.11.2018 in the retirement vacancy, which was a sanctioned post. The third respondent college sent a proposal dated 19.11.2018 to the respondents 1 and 2, seeking approval for the appointment of the petitioner and the same was not considered. Hence, the petitioner made a representation dated 26.11.2018 to the respondents 1 and 2, which was also not considered, till date. Hence, this writ petition.

3. The learned counsel for the petitioner as well as the learned Senior Counsel appearing for the 3rd 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. Ms.P. Kavitha, learned Government Advocate taking notice for the respondents 1 and 2 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 first respondent to consider the representation of the petitioner dated 26.11.2018, based on the proposal sent by the third respondent college dated 19.11.2018 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. Accordingly, this writ petition stands disposed of. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

vsi2

To

- 1.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
 - 2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
- +1 CC to Ms.C.R.Rose Radhi Jijo, Advocate sr 1764.

W.P.No.166 of 2019

SP(11/03/2019)

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