

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.15860 of 2019

Dr.S.Viola Rose

... 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,
Nesamony Memorial Christian College,
Marthandam, Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st and 2nd respondents herein to approve and regularise the petitioner's appointment as Assistant Professor in Chemistry in the 3rd respondent College in the sanctioned retirement vacancy of Dr.M.Christudhas with effect from 19.04.2013 to 06.07.2014 in the light of the approval given by the 1st respondent to the similarly placed persons Dr.N.Austin John Manohar in Na.Ka.No.35049/F2/2016 dated 27.07.2017 and Na.Ka.No.33733/F2/2005 dated 01.09.2014 in W.P.No.17368 of 2005 dated 29.06.2005, W.A.Nos.140, 811 of 2006 and 805 of 2007 and in SLP.Nos.19526 to 19528 of 2013 with monetary and service and all other benefits for the said period based on the representation dated 23.01.2017 given by the petitioner.

For Petitioner : Mr.Bharathi A.V.

For RR 1 & 2

: Mr.V.Kathirvelu

Special Government Pleader

For 3rd Respondent : Mr.E.Martin Jayakumar

ORDER

The petitioner was appointed as Assistant Professor in Chemistry Department in 3rd respondent College with effect from 19.04.2013 in the retirement vacancy of Dr.M.Christudhas. The appointment was made by the

management of the 3rd respondent College in the sanctioned post. In fact, the post was also approved by the 1st respondent and the order was issued by the Joint Director of Collegiate Education dated 13.03.2015 with effect from 07.07.2014.

2. In view of the fact that the petitioner has been appointed as Assistant Professor in the sanctioned posts, the management of the 3rd respondent College has sought approval of her appointment. However, no order has been passed till date, the petitioner has submitted number of representations on 30.04.2013, 23.01.2017 and 13.08.2018 to the 1st respondent seeking grant of approval of appointment. But, so far no action has been taken on the representations by the 1st respondent. Therefore, the petitioner is before this Court with the present writ petition seeking direction to the respondents 1 and 2 to approve and regularise her appointment as Assistant Professor in Chemistry in the 3rd respondent College with effect from 19.04.2013 to 06.07.2014 with all other consequential benefits.

3. Notice was ordered to the respondents. Mr.V.Kathirvelu, learned Special Government Pleader takes notice for respondents 1 and 2 and Mr.E.Martin Jayakumar, learned counsel takes notice for the 3rd respondent.

4. Mr.V.Kathirvelu, learned Special Government Pleader would submit that if the petitioner submits a fresh representation in regard to approval of her appointment and giving reasons for appointment of other particular cases, the same would be considered by the competent authority and an order would be passed within a time to be stipulated by this Court.

5. The learned counsel for the petitioner would also agree to such course of action and pray this Court to direct the respondents 1 and 2 to dispose of the representations submitted earlier and also to be submitted by the petitioner.

6. In the light of the above, the Writ Petition is disposed of with the following directions:

(i) The petitioner is directed to submit a fresh representation with required particulars to the 1st respondent within a period of one week from the date of receipt of a copy of this order.

(ii) On such representation being made by the petitioner, the 1st respondent shall consider the same and pass orders on merits and in accordance with law within a period of four weeks thereafter.

(iii) The 1st respondent is also directed to take into consideration of similar orders passed by this Court in Writ Petitions as quoted by the petitioner in the affidavit filed in support of this writ petition. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Sgl
To

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

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

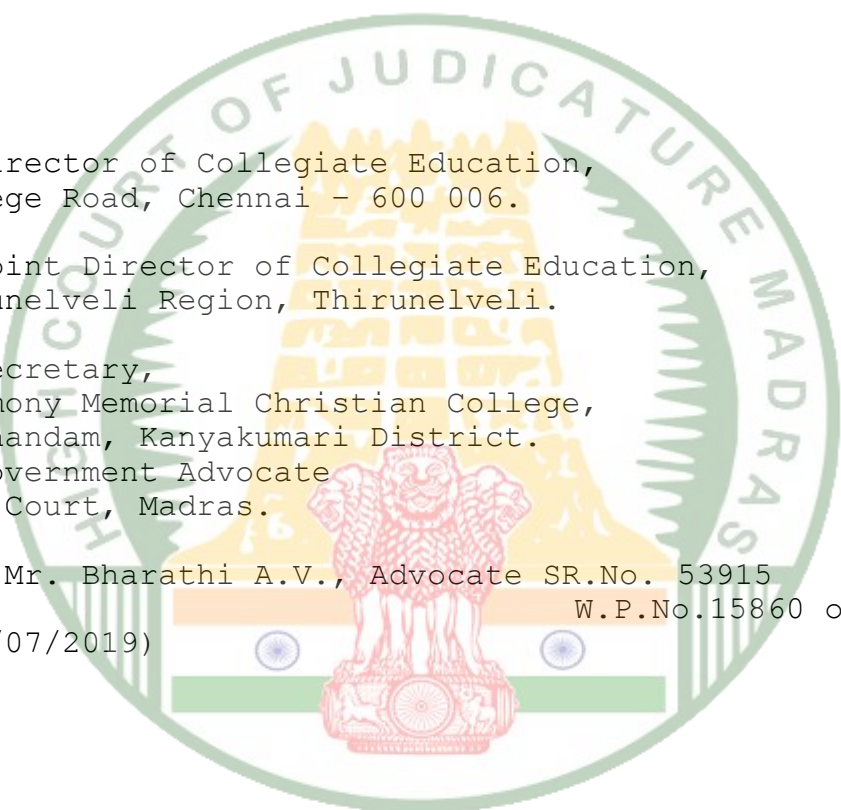
3.The Secretary,
Nesamony Memorial Christian College,
Marthandam, Kanyakumari District.

4.The Government Advocate
High Court, Madras.

+1cc to Mr. Bharathi A.V., Advocate SR.No. 53915

W.P.No.15860 of 2019

A.SK(04/07/2019)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion standing in front of it. The lion is facing forward and is flanked by two smaller lions. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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