

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17297 of 2019

Dr.R.Abdul Muthalif

..Petitioner

vs

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

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

3.The Secretary,
Dr.Sakir Husain College,
Ilayangudi, Sivakangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent herein to approve and regularize the petitioner's appointment as Assistant Professor in Commerce in the 3rd respondent College in the Sanctioned retirement vacancy of Dr.S.Muhammadu Shariff with effect from 09.07.2018 in the light of approval given by the 1st respondent to the similarly placed persons like Dr.S.Nazar and 2 others in W.P.Nos.35311 & 35313 of 2016 dated 05.10.2016 in Mu.Mu.No.5694/G2/2017 dated 31.03.2017 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 22.11.2018.

For Petitioner : Mr.Martin Jaya Kumar.E

For Respondents : Mr.V.Kathirvelu
Special Government Pleader

ORDER

The prayer sought for in this Writ Petition is to direct the 1st respondent herein to approve and regularize the petitioner's appointment as Assistant Professor in Commerce in the 3rd respondent College in the Sanctioned retirement vacancy of Dr.S.Muhammadu Shariff with effect from 09.07.2018 in the light

of approval given by the 1st respondent to the similarly placed persons like Dr.S.Nazar and 2 others in W.P.Nos.35311 & 35313 of 2016 dated 05.10.2016 in Mu.Mu.No.5694/G2/2017 dated 31.03.2017 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 22.11.2018.

2. The case of the petitioner is that he was appointed as Assistant Professor in Commerce in the 3rd respondent College with effect from 09.07.2018. The said appointment was made by the management of the 3rd respondent College in sanctioned retirement vacancy of one Dr.S.Muhammadu Shariff and the petitioner had not been paid salary from the management funds. It is his further case that similarly placed persons appointments with monetary and all other attendant and service benefits were approved by the 1st respondent from the date of appointment vide proceedings Mu.Mu.No.5694/G2/2017 dated 31.03.2017. The petitioner made representation to the 1st respondent on 22.11.2018 seeking approval of the appointment from the date of appointment in sanctioned post. The said representation was not considered. Hence the Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the 1st respondent to dispose of the petitioner's representation on merits and in accordance with law.

4. Mr.V.Kathirvelu, Special Government Pleader appearing for the respondents would concede the request made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the 1st respondent to dispose of the representation dated 22.11.2018, if not disposed already within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.
- 3.The Secretary,
Dr.Sakir Husain College,
Ilayangudi, Sivakangai District.

+1 cc to M/s.E.Martin Jayakumar, Advocate Sr.No. 82229
+1 cc to The Government Pleader Sr.No.82317

AKM/01.11.19/3P-6C /

W.P.No.17297 of 2019



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