

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27105 of 2019

R.James Rajan

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep.by its Secretary,
Higher Education Department,
Fort.St.George,
Chennai - 600 009.
 - 2.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
 - 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
 - 4.The Secretary-cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam.
- ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to approve the petitioner's appointment as Scavenger in the 4th respondent College in the sanctioned vacancy caused by the promotion of Mr.N.Madhubalan with effect from 27.09.2006 in the light of the order passed in W.A.(MD) Nos.461 & 462 of 2016, dated 22.04.2016 and in Special Leave Petition No.22766 of 2017, dated 12.10.2018 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 13.08.2018.

For Petitioner : Mr.A.V.Bharathi

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader
for R1 to R3
Mr.Godson Swaminath
for M/s.Isaac Chambers for R4

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The short facts of the case is that the 4th respondent college sanctioned non-teaching posts given by the 1st respondent in his proceedings Rc.No.E3/1185/79 dated 08.01.1980. The petitioner was appointed in the sanctioned vacancy caused by the promotion of one N.Madhubalan with effect from 27.09.2006. The 4th respondent college has also sent a proposal dated 12.01.2018 and 30.07.2019 to the 2nd and 3rd respondents for approving the appointment of the petitioner from 27.09.2006. However, till date that said proposal was not approved by the respondents 2 and 3. Therefore, the petitioner sent a representation dated 13.08.2018 to the respondents seeking approval of his appointment in the sanctioned vacancy with effect from 27.09.2006. Till date, the said representation has not been considered. Hence, the present petition.

3.Heard Mr.A.V.Bharathi, learned counsel appearing for the petitioner, Mr.V.Kadhirvelu, learned Special Government Pleader, who accepts notice for respondents 1 to 3 and Mr.Godson Swaminathan, learned counsel appearing for R4.

4.The learned counsel appearing for the petitioner submitted that it would suffice if a direction is issued to the respondents 2 and 3 to consider the representation of the petitioner dated 13.08.2018 and pass orders within a stipulated time as fixed by this Court.

5.Thus, without going in to the merits of the case, this Court is inclined to issue direction to the respondents 2 and 3 to consider the representation of the petitioner dated 13.08.2018 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order. For ready reference, the petitioner is directed to enclose a copy of the representation along with this order copy to enable the respondents 2 and 3 to consider and pass orders.

6.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
State of Tamilnadu,
Higher Education Department,
Fort.St.George,
Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

+1cc to M/s.Isaac Chambers, Advocate Sr.79038
+1cc to the Government Pleader Sr.78944

W.P.No.27105 of 2019

mr[col]
srg 15/10/2019

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