

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.32102, 32105, 32106, 32108, 32109, 32110, 32112,
32113, 32119, 32122 to 32126 of 2019

S.S.Emimal	...	Petitioner in W.P.No.32102 of 2019
M.Muneeswaran	...	Petitioner in W.P.No.32105 of 2019
P.R.Premalatha	...	Petitioner in W.P.No.32106 of 2019
S.Gabrial Gandhi	...	Petitioner in W.P.No.32108 of 2019

J. Nancy Priyadharshini	...	Petitioner in W.P.No.32109 of 2019
M.Darathy Kanmani	...	Petitioner in W.P.No.32110 of 2019
C.Lakshmipriya	...	Petitioner in W.P.No.32112 of 2019
R.Ramachandran	...	Petitioner in W.P.No.32113 of 2019
D.Sebastin Thangadurai	...	Petitioner in W.P.No.32119 of 2019
D.Aldrin Samuel Royappa	...	Petitioner in W.P.No.32122 of 2019
M.Meenakshi Sundaram	...	Petitioner in W.P.No.32123 of 2019
G.Nallathambi	...	Petitioner in W.P.No.32124 of 2019
P.Punitha	...	Petitioner in W.P.No.32125 of 2019
J.Nirmal Jeba	...	Petitioner in W.P.No.32126 of 2019

Vs.

- 1.The State of Tamil Nadu,
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,
Madurai Region,
Madurai.
- 4.The Secretary
The American College,
Madurai. ... Respondents in all W.P.'s

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus,

Prayer in W.P.No.32102 of 2019:-

directing the respondents 1 to 3 to approve the petitioner's appointment as Gardener Sweeper in the fourth respondent College in the sanctioned vacancy caused by the Retirement of Mr.P.Malaichamy, with effect from 18/06/2019 in the light of the approval given by the third respondent to the similarly placed persons like R.Sorubalatha & 6 others vide proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.2019 in W.P.(MD) No.1234 of 2014 dated 24.02.2015 in W.A.(MD).No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04/07/2019.

WP No.32105 of 2019:-

Directing the respondents 1 to 3 to approve the petitioner's appointment as waterman in the 4th respondent college in the sanctioned vacancy caused by the retirement of Mr.M.Ganesan with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 / 2013 dated 28/08/2019 in W.P.(MD).No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP. No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32106 of 2019:-

Directing the respondents 1 to 3 to approve the petitioner's appointment as Gardener in the 4th respondent college in the sanctioned vacancy caused by the Promotion of Mr. A.Thangaraj with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 / 2013 dated 28/08/2019 in W.P.(MD).No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32108 of 2019:-Directing the respondents 1 to 3 to approve the petitioners appointment as Watchman in the 4th respondent college in the sanctioned vacancy caused by the Promotion of Mr. S.Thalaimalayan with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 /2013 dated 28/08/2019 in W.P.(MD). No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018

dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32109 of 2019

Directing the respondents 1 to 3 to approve the petitioner's appointment as Sweeper in the 4th respondent college in the sanctioned vacancy caused by the retirement of Mr.A.Shahul Hameed with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 / 2013 dated 28/08/2019 in W.P.(MD).No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP. No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32110 of 2019:-

Directing the respondents 1 to 3 to approve the petitioners appointment as Games Marker in the 4th respondent college in the sanctioned vacancy caused by the Death of Mr.M.Kalippan with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 / 2013 dated 28/08/2019 in W.P.(MD).No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP. No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32112 of 2019

Directing the respondents 1 to 3 to approve the petitioner's appointment as Scavenger in the 4th respondent college in the sanctioned vacancy caused by the retirement of Mr.T.Sangili with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 / 2013 dated 28/08/2019 in W.P.(MD).No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP. No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32113 of 2019

Directing the respondents 1 to 3 to approve the petitioners appointment as Scavenger in the 4th respondent college in the

sanctioned vacancy caused by the Promotion of Mr. D.Mohan with effect from 18/06/2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No.4874/A2 / 2013 dated 28/08/2019 in W.P.(MD).No.1234 of 2014 dated 24/02/2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP. No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32119 of 2019:-

Directing the respondents 1 to 3 to approve the petitioners appointment as Sweeper in the 4th Respondent College in the sanctioned vacancy caused by the Promotion of Mr.N. Pandey with effect from 18.06.2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No. 4874/ A2/ 2013 dated 28.08.2019 in W.P.(MD)No. 1234 of 2014 dated 24.02.2015 in WA.(MD). No. 931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the Petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32122 of 2019:-

Directing the respondents 1 to 3 to approve the petitioners appointment as Games Marker in the 4th Respondent College in the sanctioned vacancy caused by the Promotion of Mr. K.Jeyakumar with effect from 18.06.2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No. 4874/ A2/ 2013 dated 28.08.2019 in W.P.(MD)No. 1234 of 2014 dated 24.02.2015 in W.A.(MD) No. 931 of 2018 dated 12/07/2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32123 of 2019:-

Directing the respondents 1 to 3 to approve the petitioners appointment as Sweeper in the 4th Respondent College in the sanctioned vacancy caused by the Promotion of Mr. S.Ravi with effect from 18.06.2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No. 4874/ A2/ 2013 dated 28.08.2019 in W.P.(MD)No. 1234 of 2014 dated 24.02.2015 in W.A.(MD).No. 931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on

the representation of the Petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32124 of 2019:-

Directing the respondents 1 to 3 to approve the petitioner's appointment as Watchman in the 4th Respondent College in the sanctioned vacancy caused by the Promotion of Mr.A.Ramesh Prabu with effect from 18.06.2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No. 4874/ A2/ 2013 dated 28.08.2019 in W.P.(MD)No. 1234 of 2014 dated 24.02.2015 in W.A.(MD) No. 931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32125 of 2019

Directing the respondents 1 to 3 to approve the petitioners appointment as Sweeper in the 4th Respondent College in the sanctioned vacancy caused by the Retirement of Mr. M.Muthusamy with effect from 18.06.2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No. 4874/ A2/ 2013 dated 28.08.2019 in W.P.(MD)No. 1234 of 2014 dated 24.02.2015 in W.A.(MD) No. 931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the Petitioner dated 04.07.2019 and to pass such further or other order.

WP No.32126 of 2019

Directing the respondents 1 to 3 to approve the petitioners appointment as Watchman in the 4th Respondent College in the sanctioned vacancy caused by the Promotion of Mr. A.Ramesh Prabu with effect from 18.06.2019 in the light of the approval given by the 3rd respondent to the similarly placed persons like R.Sorubalatha and 6 others vide proceedings Pa.Mu.No. 4874/ A2/ 2013 dated 28.08.2019 in W.P.(MD)No. 1234 of 2014 dated 24.02.2015 in W.A.(MD).No. 931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No. 323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the Petitioner dated 04.07.2019 and to pass such further or other order.

For Petitioners : M/s.A.V.Bharathi in all WPs.

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader(Edn.)
in all WPs.

COMMON O R D E R

By consent, these writ petitions are taken up for final disposal at the admission stage itself.

2.The case of the petitioners is that the petitioners were appointed in the non teaching posts in the sanctioned vacancy caused by the retirement / promotion / death of respective erstwhile employees and till date the petitioners' appointments have not been approved.

3. Mr.A.V.Bharathi, learned counsel appearing for the petitioners would submit that the very same issue was already considered by the Hon'ble Madurai Bench of this Court in W.A. (MD).No.931 of 2018 dated 12.07.2018 and the Hon'ble Surpeme Court also confirmed the same in SLP.No.323 of 2019 dated 18.01.2019. Accordingly, the petitioners made their representations to the respondents, but till date the same have been not considered. Hence, the petitioners have filed the present petitions.

3.Heard both sides.

4.The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the respondents 1 and 2 to consider the respective representations made by the petitioners and pass orders, within a stipulated time fixed by this Court.

5. Mr.V.Kadhirvelu, learned Special Government Pleader submitted that if representations have already been made by the petitioners, the same will be considered in accordance with law.

6.Though the petitioners have sought for a larger relief, this Court without going into the merits of the case, directs the respondents 1 and 2 to consider the respective representations made by the petitioners 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.

7.With the above direction, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jrs

To

- 1.The Secretary,
State of Tamil Nadu,
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,
Madurai Region,
Madurai.
- 4.The Secretary
The American College,
Madurai.

+1cc to Mr.Marting Jayakumar, Advocate, S.R.No. 94494

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32113, 32119, 32122 to 32126 of 2019

RV(CO)
GN(20/12/2019)