

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

WP.No.32002 of 2019

A.Sam Raj

...

Petitioner

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,
Tirunelveli Region,
Tirunelveli
- 4.The Secretary-Cum-Correspondent,
Scott Christian Christian College,
Nagercoil.

.... Respondents

Prayer in WP.32002 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve the petitioner's appointment as Sweeper in the fourth respondent College in the sanctioned vacancy caused by the Retirement of Mrs.M.Thangabai with effect from 13.10.2016 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 08.11.2016 & 16.10.2019.

For Petitioner : Mr.A.V.Bharathi

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

: Mr.E.Martin Jayakumar for R4

ORDER

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

2.The case of the petitioner is that the petitioner was appointed in the non teaching posts in the sanctioned vacancy caused by the retirement / promotion / death with effect from 13.06.2007, 01.06.2008 and 01.06.2009 respectively and till date the petitioner's appointment has 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 Supreme Court also confirmed the same in SLP.No.323 of 2019 dated 18.01.2019. Accordingly, the petitioner made representation dated 08.11.2016 & 16.10.2019, but till date the same have been not considered. Hence, the petitioner has filed the present petition.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the respondents 1 and 2 to consider the representations of the petitioners dated 08.11.2016 & 16.10.2019 and pass orders, within a stipulated time fixed by this Court.

5. Mr.V.Kadhirvelu, 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 petitioners' representations dated 08.11.2016 & 16.10.2019 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, this writ petition 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,
Tirunelveli Region,
Tirunelveli.
- 4.The Secretary-Cum-Correspondent,
Scott Christian Christian College,
Nagercoil.

+1cc to Government Pleader SR.NO. 95128

W.P.No.32002 of 2019

pa(co)
nr 02/01/2020

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