

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.31924 to 31926 of 2019

C.Yesu Selvan ... Petitioner in W.P.No.31924 of 2019
C.Nagendran ... Petitioner in W.P.No.31925 of 2019
J.Rajamony ... Petitioner in W.P.No.31926 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,
Tirunelveli Region,
Tirunelveli
 4. The Secretary-Cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam
- ... Respondents in all W.P.'s

Prayer in W.P.No.31924 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.K.Kamalam with effect from 02.06.2008 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 13.08.2018.

Prayer in W.P.No.31925 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 Gardener in the fourth respondent College in the sanctioned vacancy caused by the Promotion of Mr.R.Gnanadhas with effect from 01.06.2009 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 13.08.2018.

Prayer in W.P.No.31926 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 Marker in the fourth respondent College in the sanctioned vacancy caused by the Promotion of Mr.J.Titus with effect from 13.06.2007 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 13.08.2018.

For Petitioners : M/s.A.V.Bharathi

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

सत्यमेव जयते COMMON ORDER

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 with effect from 13.06.2007, 01.06.2008 and 01.06.2009 respectively and till date the petitioners' appointments have not been approved.

3. Mrs.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 representations dated 13.08.2018, but till date the same have been not considered. Hence, the petitioners have filed the present petitions.

4.Heard both sides.

5.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 representations of the petitioners dated 13.08.2018 and pass orders, within a stipulated time fixed by this Court.

6. 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.

7.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 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.

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

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

lok
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

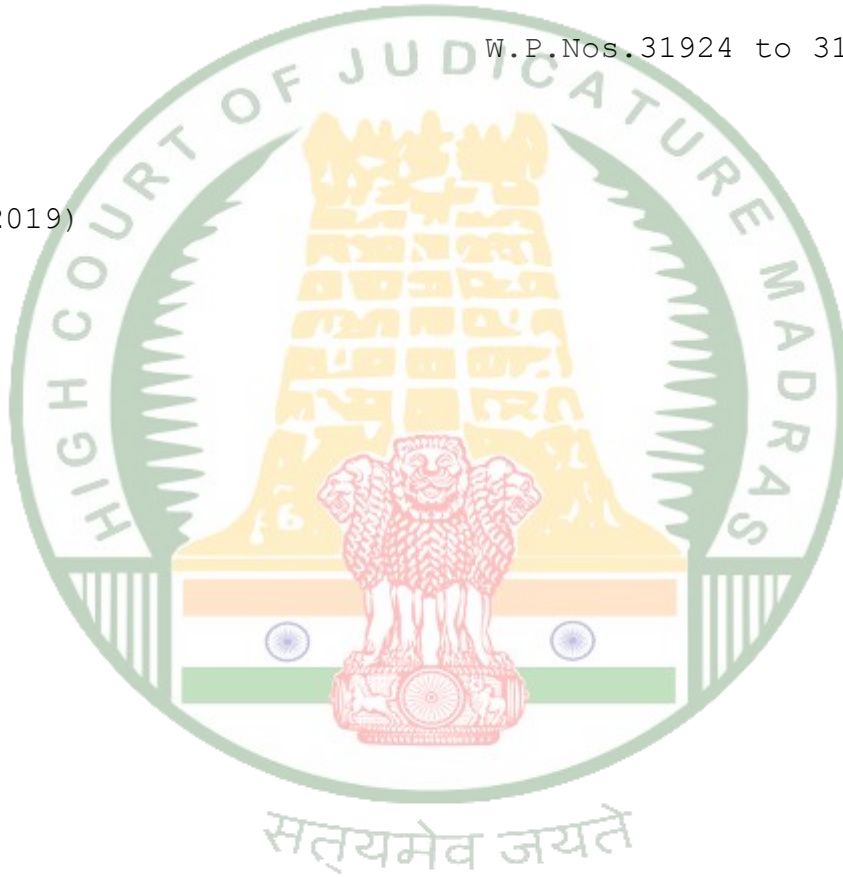
3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli

4.The Secretary-Cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam

+3 Ccs to M/s.A.V. Bharathi, Advocate sr 94496, 94497, 94495.

W.P.Nos.31924 to 31926 of 2019

SSD(CO)
SP(27/12/2019)



WEB COPY