



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.3204 of 2010
and M.P.(MD).No.2 of 2010

K.Chandramouli

.. Petitioner

Vs.

1.The Director of Collegiate Education,
Chennai.

2.The Joint Director of Collegiate Education,
Nandhi Kovil Street,
Tiruchirappalli - 2.

3.National College,
rep. by its Secretary,
Dindigul Road,
Tiruchirappalli - 1.

4.Mr.K.Ragunathan,
Secretary,
National College,
Dindigul Road,
Tiruchirappalli - 1.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent pertaining to the impugned notification calling for application for the post of Library Assistant and Record Clerk, dated Nil., No.Nil., published in Dinamani Daily (Trichy Education) dated 24.02.2010 and quash the same, and promote the petitioner for the post of Library Assistant/Record Clerk.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.M.Jeyakumar for R1
Additional Government Pleader
M/s. J.Maria Roseline for R2 and R3



ORDER

This writ petition has been filed for issuance of writ of certiorarified mandamus to quash the notification issued by the third respondent calling for application to the post of Library Assistant/Record Clerk, which was published in Daily Thanthi on 24.02.2010 and to promote the petitioner for the post of Library Assistant/Record Clerk.

2.From the facts narrated before this Court and admitted in the course of proceedings, it is learnt that the petitioner was appointed as Office Assistant in the third respondent college. The petitioner found to be so irregular. He absented himself un-authorisedly on medical ground. For his un-authorised absence already a charge memo was issued to the petitioner. Challenging the charge memo, the petitioner has filed a writ petition in W.P.(MD). No.11393 of 2008 and obtained an order of stay. Based on the order granting stay preventing the respondent Management to proceed with the charge memo, the petitioner has filed the present writ petition, stating that the petitioner should be considered for promotion and the recruitment notification issued by the third respondent calling for application to fill up the post of Library Assistant/Record Clerk is not proper.

3.First of all the petitioner is not in service. It is also admitted that the charge memo is not yet quashed. When the petitioner is facing charges for gross misconduct and un-authorised absence for a long period, the petitioner's request for considering him for promotion to the higher post and to stall the recruitment is baseless. In such circumstances, this court is unable to entertain the writ petition.

4.As a result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

TM

To

1.The Director of Collegiate Education,
Chennai.



2.The Joint Director of Collegiate Education,
Nandhi Kovil Street,
Tiruchirappalli - 2.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-88786[F] dated
24/09/2019)

+1 CC to M/s.GP (SR-88845[F] dated 24/09/2019)

+1 CC to M/s.J.MARIA ROSELINE, Advocate (SR-89326[F] dated
25/09/2019)

W.P.(MD) .No.3204 of 2010
23.09.2019

JM/14.10.2019/3P/6C