



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP (MD) No.4864 of 2019

and

WMP (MD) No.3874 of 2019

The Secretary,
Holy Cross College (Autonomous),
Nagercoil - 629 004,
Kanyakumari District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort Saint George,
Chennai - 600 009.

2.The Director Collegiate Education,
College Road, Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli - 627 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent Joint Director of Collegiate Education to approve forthwith the appointment of 17 Assistant Professors (Name list annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances with effect from the respective dates of their appointments, on the basis of the proposal dated 05.03.2018 and reminder thereon dated 18.09.2018.

For Petitioner	: Mr.Ragatheesh Kumar for M/s.Iassac Chambers
For Respondents	: Mrs.J.Padmavathy Devi, Special Government Pleader

ORDER

The prayer in this writ petition is to direct the third respondent to approve the appointments made by the petitioner based on the proposal submitted by the petitioner and provide all consequential benefits to the appointee.

2.Heard the learned Counsel for the petitioner and the learned Special government Pleader appearing for the respondents.
By Consent, this writ petition is taken up for final disposal at the stage of admission itself.



3.The grievance of the petitioner is that the proposal sent by the petitioner College for approval of appointments of 17 Assistant Professors is kept pending without being any orders passed by the third respondent and hence, the petitioner is before this Court and the petitioner also relied on the judgments of this Court in WP(MD) No.2410 of 2015, dated 05.03.2015 and CMP(MD)Nos.3254 and 3255 of 2016 in WA(MD)Nos.461 and 462 of 2016, dated 22.04.2016, in support of the petitioner's claim.

4.The learned Special Government Pleader appearing for the respondents submitted that the proposal submitted by the petitioner would be considered on merits.

5.Under these circumstances, this Court, without going into the merits of the case, directs the 3rd respondent to consider the proposal submitted by the petitioner on 05.03.2018, on merits and in accordance with law and keeping in mind the judgments cited supra and pass necessary orders, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

dsk

To

1.The Secretary,
Department of Higher Education,
Fort Saint George, Chennai - 600 009.

2.The Director Collegiate Education,
College Road, Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli - 627 002.

1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-51171[F] dated 01/03/2019)

+1 CC to M/s.SPL GP (SR-51545[F] dated 04/03/2019) ORDER MADE IN

WP(MD)No.4864 of 2019

01.03.2019