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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.9447 of 2018

and

WMP (MD) No.11025 of 2018

D.Rani Mila

... Petitioner

Vs

- 1.The State of Tamil Nadu
rep. by its Secretary
Department of Higher Education,
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 - 627 002.
- 4.The Manonmaniam Sundaranar University,
rep.by its Registrar,
Abhisekapaatti,
Tirunelveli - 627 012.
- 5.The Correspondent/Secretary,
Women's Christian College,
Nagercoil - 629 001,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent Joint Director of Collegiate Education in Mu.Mu.No.18427/U.2/2008 dated 22.12.2008 approving the appointment of the petitioner as the Assistant Professor w.e.f. 25.08.2007 quash the same in so far as the date of appointment indicated as 25.08.2007 is concerned and further direct the respondents to approve the appointment of the petitioner as the Assistant Professor in History in the 5th respondent college w.e.f. 24.02.2003 and disburse grant-in-aid towards her salary and other monetary benefits.



For Petitioner : Mr.S.Xavier Rajini

For R1 to R4 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

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ORDER

This writ petition has been filed seeking to quash the impugned proceedings of the third respondent dated 22.12.2008 and consequently direct the respondents 1 to 4 to approve the appointment of the petitioner as Assistant Professor in History in the 5th respondent college with effect from 24.02.2003 and disburse grant-in-aid towards her salary and other monetary benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

3.The grievance of the petitioner is that though she is working as an Assistant Professor in the fifth respondent college since 2003, the third respondent, by the proceedings dated 22.12.2008 approved the appointment of the petitioner with effect from 25.08.2007. Since the petitioner was appointed in a sanctioned post, she is entitled to get approval from the date of her appointment i.e., from 24.02.2003. Seeking such relief, the petitioner made several representations and finally on 05.02.2018. As the same have not been considered so far by the respondents 1 to 4, the petitioner is before this Court.

4.No counter affidavit has been filed on the side of the respondents 1 to 4.

5.The learned counsel for the petitioner during the course of argument, restricted the relief sought for herein to the extent of seeking a direction to the respondents to consider the representation of the petitioner, on merits, for which, the learned Additional Government Pleader appearing for the respondents 1 to 4 has no serious objection.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the representation of the petitioner dated 05.02.2018 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.



7.The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.11025 of 2018 is closed.

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Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar(CS)

Mj

To

- 1.The Secretary
State of Tamil Nadu
Department of Higher Education,
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 - 627 002.
- 4.The Registrar,
Manonmaniam Sundaranar University,
Abhisekapaatti,
Tirunelveli - 627 012.

+1CC TO MR.S.XAVIER RAJINI, Advocate Sr. No.58386
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.58335

W.P.(MD)No.9447 of 2018

GKG(CO)

TR (08.05.2019) 3P 7C