



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2019

CORAM:

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

WP(MD)Nos.7293 to 7296 of 2019

Dr. W. Shiney Sarah Lionel

... Petitioner in W.P(MD).No.7293/2019

Dr. Jill C.R. Newbigin

...Petitioner in W.P(MD).No.7294 /2019

Dr. J. Premjith Jinham

...Petitioner in W.P(MD).No.7295 /2019

Dr.J.C. John Britto

...Petitioner in W.P(MD).No.7296 /2019

Vs.

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

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

3.The Secretary-cum-Correspondent,
Nesamony Memorial Christian College,
Marthandam. ... Respondents in all WPs.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to approve the petitioners appointment as Assistant Professor in English, History, Zoology and History respectively in the 3rd respondent college in the sanctioned retirement vacancy of Dr.G. Suhithar Baus, Dr. C. Sarojam, Mr. M. Johnson and Dr.T. Lysammal respectively with effect from 14.11.2018 in the light of the order in W.A.No.2318 of 2011, P.Ravichandran Vs. The State of Tamil Nadu, dated 11.10.2013 and the approval given by the first respondent to the similarly placed persons Dr. S. Grace Victoria & 3 others vide proceedings in Na.Ka.No.41115/F2/2017, dated 29.12.2017 with monetary and all other attendant and service benefits based on the representation of the petitioners dated 14.02.2019.



For Petitioners

: Mr.T.Arul, in all W.Ps.

For Respondent

:Mr.C.M.Marichelliah Prabhu, in all W.Ps
Additional Government Pleader

Nos.1 and 2

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COMMON ORDER

By consent of both the parties, these Writ Petitions are taken up for final disposal at the time of admission itself.

2. It is the case of the petitioners that they were appointed as Assistant Professors in English, History, Zoology and History respectively in the 3rd respondent college with effect from 14.11.2018 in the retirement vacancies, which were sanctioned posts. Thereafter, the third respondent College sent a proposal dated 08.02.2019 to the respondents 1 and 2, seeking approval for appointment of the petitioners and the same were not considered. Hence, the petitioners made representations dated 14.02.2019 to the respondents 1 and 2, which were also not considered, till date. Hence, these Writ Petitions have been filed before this Court.

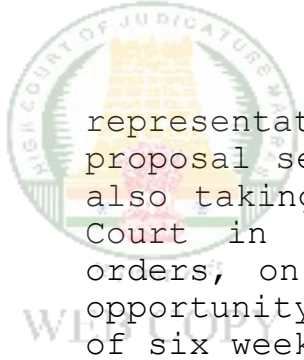
3. The learned counsel appearing for the petitioners submitted that in similar facts and circumstances, in the Writ Petitions filed by similarly placed persons in W.P.Nos.14675 to 14680 of 2017, this Court, by an order dated 27.06.2017, had directed the respondents therein to consider the proposals sent by the college, in the light of the order dated 11.10.2013 passed by this Court in W.A.No.2318 of 2011, wherein, it is held as follows:

"There is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1978 and Tamil Nadu Private Colleges (Regulation) Rules, 1976 to seek prior permission to fill up any vacant post in an aided college, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules".

Hence, the learned counsel prayed for a similar order in these Writ Petitions as well.

4. Mr.C.M. Mari Chellaiah Prabhu, learned Additional Government Pleader taking notice for the respondents 1 and 2 fairly submitted that the respondents would consider the petitioners' representation and pass appropriate orders on merits and in accordance with law, within a time frame to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the



representation of the petitioners dated 14.02.2019, based on the proposal sent by the third respondent College, dated 08.02.2019 and also taking into account the order dated 27.06.2017 passed by this Court in W.P.Nos.14675 to 14680 of 2017, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioners, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

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

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

1CC TO THE SPL GOVT PLEADER SR 57344
4CC'S TO MR. T.ARUL, ADVOCATE SR 57236 TO 57239

WP (MD) Nos.7293 to 7296 of 2019
27.03.2019

KK
30/04/2019
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