



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.9458 of 2019

WEB COPY

S.Purushothaman Radgers

... Petitioner

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 Regional Joint Director Collegiate Education,
Tirunelveli Region,
Tirunelveli.

4.The Secretary-cum-Correspondent,
Scott Christian College,
Nagercoil.

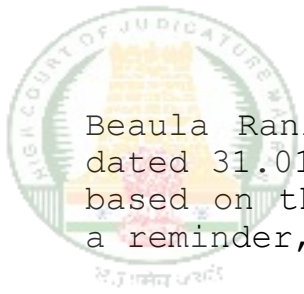
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the second and third respondents to approve the petitioner's appointment as waterman in the fourth respondent college in the sanctioned vacancy caused by the retirement of G.E.Bala with effect from 13.10.2016 in the light of the approval given by the second respondent to the similar placed persons Beaula Rani and 4 others, vide proceedings Na.Ka.No.53124/F2/2014, dated 31.01.2019 in W.P.Nos.28369 to 28373 of 2017, dated 07.12.2017 based on the representation of the petitioner, dated 13.03.2018 and a reminder, dated 07.03.2019.

For Petitioner : Mr.T.Arul

For RR 1 to 3 : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.**ORDER**

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the second and third respondents to approve the petitioner's appointment as waterman in the fourth respondent college in the sanctioned vacancy caused by the retirement of G.E.Bala with effect from 13.10.2016, in the light of the approval given by the second respondent to the similar placed persons viz.,



Beaula Rani and 4 others, vide proceedings Na.Ka.No.53124/F2/2014, dated 31.01.2019 in W.P.Nos.28369 to 28373 of 2017, dated 07.12.2017 based on the representation of the petitioner, dated 13.03.2018 and a reminder, dated 07.03.2019.

2. Heard Mr.T.Arul, learned counsel appearing for the petitioner and Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader, who takes notice for the respondents 1 to 3.

3. According to the petitioner, by the proceedings of the second respondent, dated 15.10.1977, the fourth respondent College, which is a Government Aided College, was sanctioned with teaching and non-teaching posts under the aided scheme. The petitioner was appointed on 13.10.2016 as Waterman in the fourth respondent college in the sanctioned vacancy caused due to the retirement of one G.E.Bala. Thereafter, the fourth respondent college sent a proposal to the second respondent through the third respondent on 31.10.2016, seeking approval for the above appointment. However, no order was passed by the second respondent till date. The petitioner also made a representation to the second respondent, dated 13.03.2018 and a reminder, dated 07.03.2019, which were not considered till date and hence, the petitioner filed the present Writ Petition for appropriate relief.

4. The learned counsel appearing for the petitioner submitted that by G.O.Ms.No.219, Higher Education (D1) Department, dated 24.10.2013, the Government had sanctioned only 50% of the posts to the Government aided institutions. The said Government Order was challenged in W.P.Nos.6679 and 6680 of 2016 and this Court by an order, dated 24.11.2017, set aside the abovesaid Government Order. The learned counsel for the petitioner further submitted that several writ petitions were filed before this Court, challenging the rejection order passed by the Joint Director of Collegiate Education based on G.O.Ms.No.219 and the said writ petitions were allowed. The writ appeals filed by the Government in W.A(MD)Nos.461 and 462 of 2016, challenging the said orders, were dismissed by order, dated 22.04.2016. The Government further challenged the Judgment of the Division Bench before the Supreme Court in S.L.P.No.22766 of 2013, which was also dismissed by the Supreme Court. Hence, the learned counsel seeks the intervention of this Court by directing the second respondent to approve the appointment of the petitioner in the light of the recommendation sent by the third respondent, dated 31.10.2016.

5. The learned Additional Government Pleader appearing for the respondents has not objected to the above submissions made by the learned counsel for the petitioner.

6. In the light of the fact that the issue in this Writ Petition has already been covered by the Judgment of this Court, the second respondent is directed to consider the proposal given by the fourth respondent college, dated 31.10.2016 with respect to the approval of



the appointment of the petitioner in the sanctioned vacancy and also in the light of the proceedings of the second respondent, dated 31.01.2019 in respect of the similarly placed persons and pass 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.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (Writs)

/TRUE COPY/

Sub Assistant Registrar (CS)

To

1. The Secretary,
Rep. by the 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 Regional Joint Director Collegiate Education,
Tirunelveli Region,
Tirunelveli.
4. The Secretary-cum-Correspondent,
Scott Christian College,
Nagercoil.

+1 CC to M/s.T.ARUL, Advocate (SR-61641[F] dated 22/04/2019)

+1 CC to SPL GP (SR-62135[F] dated 24/04/2019)

W.P (MD) No. 9458 of 2019
22.04.2019

CS: 28/05/2019/3P/7C