



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.22652 of 2019

M.Paulas

... 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 District.

4.The Correspondent-Secretary,
Scott Christian College (Autonomous)
Nagercoil-629 003,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to give approval forthwith to the petitioner's appointment as Office Assistant appointed in the fourth respondent college and disburse the grant-in-aid towards his salaries and allowances w.e.f.24.03.2018 i.e., from his date of appointment with all attendant benefits.

For Petitioner : Mr.A.Rajesh
For R1 to R3 : Mr.S.Dhayalan,
Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> This writ petition is filed for a direction to the respondents



1 to 4 to give approval forthwith to the petitioner's appointment as Office Assistant, in the fourth respondent college and disburse the grant-in-aid towards his salaries and allowances w.e.f.24.03.2018 i.e. from the date of his appointment with all attendant benefits.

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2.Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Office Assistant on 24.03.2018 in the fourth respondent College. The fourth respondent sent a proposal on 27.05.2019 to the third respondent for approval and disbursement of grant-in-aid towards salary and other benefits. The third respondent has not passed any orders on the proposal. Thereafter, the petitioner has sent a representation to the second respondent on 27.05.2019 requesting approval of his appointment. In the meantime, the fourth respondent filed a writ petition in W.P.(MD)No.22533 of 2015 challenging the Government Order in G.O(Ms)No.219, Higher Education (D1) Department, dated 24.10.2013 and sought for a direction to the Educational authorities to permit the College to fill up the post on regular basis and to disburse grant in aid for 4 posts of Office Assistant, 2 posts of Watchman, 2 posts of Waterman, 2 posts of Gardener, 6 posts of Sweeper and 2 posts of Scavenger. This Court, by order dated 27.06.2019, in a batch of writ petitions in W.P(MD)Nos.22533 to 22535 of 2015, quashed the impugned order and directed the authority to consider the appointment after scrutinising the proposal and after verifying the educational qualifications of the persons, who were appointed in the fourth respondent College. Even after passing the said order, the respondents 1 to 3 have not passed any orders. Therefore, the petitioner has come out with the present writ petition.

4. Though a larger relief has been prayed in this writ petition, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents 1 to 3 to pass orders on the proposal submitted by the fourth respondent.

5. Considering the submission of the learned counsel for the petitioner, the respondents 1 to 3 are directed to pass orders on the proposal submitted by the fourth respondent dated 27.05.2019 on merits and in accordance with law, after verifying the educational qualifications of the petitioner, within a period of twelve (12) 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.

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// True Copy //

Sd/-

Assistant Registrar (AD I)

Sub Assistant Registrar (CS)

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To

- 1.The 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 District.
- 4.The Correspondent-Secretary,
Scott Christian College (Autonomous)
Nagercoil-629 003,
Kanyakumari District.

+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-94717[F] dated 25/10/2019)

+1 CC to M/s.SPL GP (SR-94899[F] dated 30/10/2019)

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