

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.2891 of 2020

N.Prem Harison

...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 Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
4. The Secretary Cum Correspondent,
Scott Christian College,
Nagercoil

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to approve the petitioner's appointment as Office Assistant in the 4th respondent college in the sanctioned vacancy caused by the promotion of Mr.T.Pushpa Raj with effect from 06.02.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran -Vs. The State of Tamil Nadu dated 11.10.2013 in SLP No.887 of 2015 dated 29.01.2019 and the approval given by the 2nd respondent to similarly placed non-teaching staffs like Mr.C.Jacob Zackaria and Mr.Wilfred Raj vide proceedings Na.Ka.No.13612/F2/2019 dated 24.05.2019 and Na.Ka.No.19050/F2/2019 dated 28.05.2019 with monetary and all other attendant and service benefits based on the representation of the Petitioner dated 18.02.2019.

For Petitioner	:	Mr.A.V.Bharathi
For Respondents	:	Mr.Karthikei Balan
		Government Advocate for R1to R3.
		Mr.E.Martin Jayakumar for R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the official respondent to approve the appointment of the petitioner as an Office Assistant in the 4th respondent college.

2. The case of the petitioner is that there is a sanctioned post in the 4th respondent college for an 'Office Assistant'. A vacancy arose and the petitioner was selected and appointed in the post of Office Assistant on 06.02.2019. Thereafter, the 4th respondent college had submitted a proposal on 28.10.2019 and 02.12.2019 before the 2nd respondent. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. It is an admitted fact that the post in which the petitioner has been appointed is a sanctioned post. That apart, it is a non teaching post, which does not require prior sanction before appointment. The proposal that has been forwarded to the 2nd respondent by the 4th respondent college requires to be considered by the 2nd respondent and he has to be only satisfied as to whether the petitioner is fulfilling the qualifications prescribed under the relevant rules. That apart, there is no other requirement that has to be satisfied by the 4th respondent college. The proposal that was sent by the 4th respondent college has been pending from December 2019 onwards.

4. In view of the above, there shall be a direction to the 2nd respondent to act upon the proposal that has been forwarded by the 4th respondent college on 28.10.2019 and 02.12.2019 and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order for granting approval for the appointment, if the petitioner has satisfied the requirements under the rules.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

1. The Secretary,
State of Tamilnadu
Higher Education Department,
Fort St. George,
Chennai 600 009.
 2. The Director of Collegiate Education,
College Road,
Chennai 600 006.
 3. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
 4. The Secretary Cum Correspondent,
Scott Christian College,
Nagercoil
- +1 cc to Government Pleader, S.R.No.13081

W.P.No.2891 of 2020

RR(CO)
RN(21/05/2020)
SP(16/07/2020)



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