

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.4119 of 2020

T.John Jairus

.. Petitioner

- Vs -

1. The State of Tamilnadu,
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,
Tirunelveli Region,
Tirunelveli.
4. The Secretary-cum-Correspondent,
Scott Christian College,
Nagercoil.

.. Respondents

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 Watchman in the 4th respondent college in the sanctioned vacancy caused by the Retirement of Mr.J.Babu with effect from 31.10.2016 in the light of the approval given by the respondent to the similarly placed persons like R.Sorubalatha & 6 others vide proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.019 in WP (MD).No.1234 of 2014 dated 24.02.2015 in WA(MD).No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 08.11.2016 & 16.10.2019.

For Petitioner : Mr.A.V.Bharathi
For Respondents : Mr.S.Karthikei Balan
Government Advocate for R1 to R3
Mr.E.Martin Jayakumar for R4

O R D E R

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 Watchman in the 4th respondent college.

2. The case of the petitioner is that there is a sanctioned post in the 4th respondent college for 'Watchman'. A vacancy arose and the petitioner was selected and appointed in the post of Watchman on 31.10.2016. Thereafter, the 4th respondent college had submitted a proposal on 31.10.2016 & 17.06.2019 to the respondents. 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 on behalf of the petitioner, the learned Government Advocate appearing on behalf of the respondents 1 to 3 and the learned counsel appearing on behalf of the fourth respondent.

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 respondent by the 4th respondent college requires to be considered by the respondents and they have 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 October 2016 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 31.10.2016 and 17.06.2019 and pass appropriate orders within a period of four (4) weeks from the date of receipt of copy of this order 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

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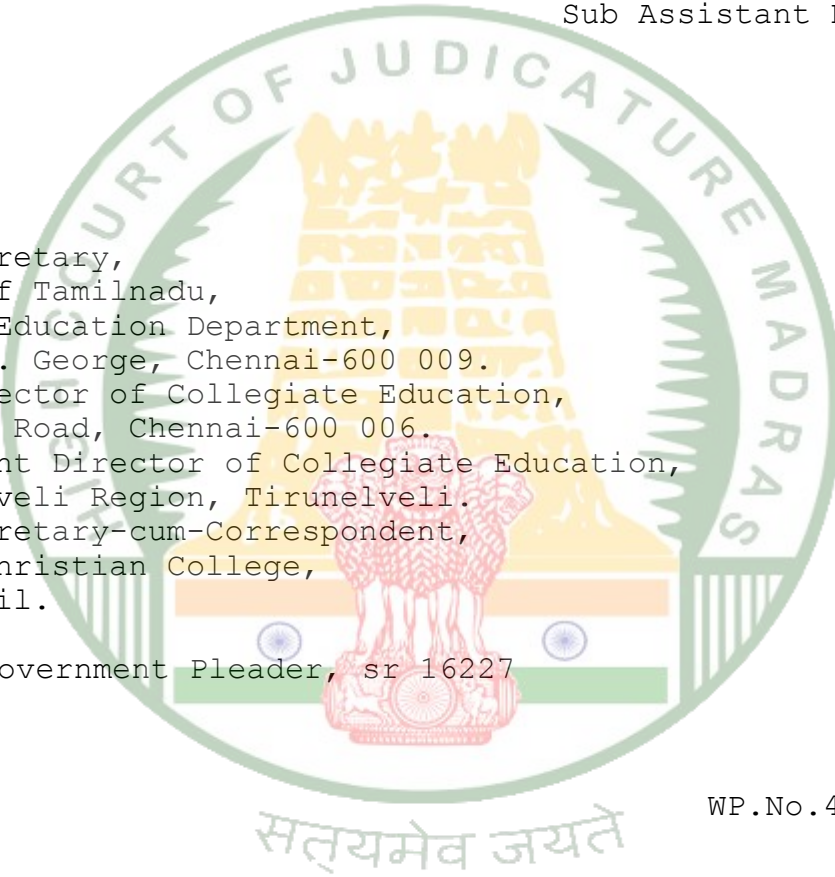
Sub Assistant Registrar

KMI

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

+1 CC to Government Pleader, sr 16227



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GJ (CO)
AT (21/05/2020)

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