

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 11968 of 2018
and
W.MP.No.13954 of 2018

T.David

S/o.S.Thankappan

.. Petitioner

- Vs -

1.The State of Tamil Nadu
rep by its Secretary Higher Education
Department Fort St. George Chennai-09

2.The Director of Collegiate
Education, College Road, Chennai-06

3.The Joint Director of
Collegiate Education Tirunelveli Region
Syed Building Sindupoonthurai Road
Tirunelveli- 627 001

4.The Nesamony Memorial
Christian College rep by its correspondent
and Secretary, Marthandam
Kanyakumari Dt- 629 165

5. Manonmaniam Sundaranar
University rep by its Registrar
Abishekapatti Tirunelveli- 627 012

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 2nd respondent to approve his appointment as Assistant Professor of Tamil in the 4th respondent College with effect from 16.06.2017 on the basis of the proposal submitted by the 4th respondent college to the 3rd respondent herein as forwarded to the 2nd respondent herein with all monetary benefits.

For Petitioner: M/S.N.Rajan

For Respondents: Mr.Karthikaibalan,G.A.,for RR1to 3
: M/S.B.Vishnuchathiya for R5
for M/S.Ajmal Associates.

ORDER

This Writ Petition has been filed by the petitioner, to direct the 2nd respondent to approve his appointment as Assistant Professor of Tamil in the 4th respondent College with effect from 16.06.2017 on the basis of the proposal submitted by the 4th respondent college to the 3rd respondent herein as forwarded to the 2nd respondent herein with all monetary benefits.

2.The case of the petitioner is that the petitioner was appointed as Assistant Professor of Tamil, in the 4th respondent college, a minority institution, by its appointment order, dated 14.6.2017, with effect from 15.6.2017. He was appointed against a vacancy caused by the retirement of the regular incumbent by name Dr.I.Mahizh Uidha Kamalam. He joined service in the 4th respondent college on 16.6.2017 forenoon. The sanctioned strength of lectures permitted to be appointed by the 4th respondent college, in the Department of Tamil, is fixed at 10, as per the proceedings of the 2nd respondent dated 28.10.1999. The 2nd respondent had no occasion to revise the said strength, as there was no reduction in the strength of students in the Tamil department. The grievance of the petitioner is that he was appointed in a regular vacancy which is within the sanctioned strength of 10 lecturers, the appointment is bound to be approved by the 2nd respondent. There is no legal necessity to get prior approval for this appointment, in the light of Rule 11(1) of the Tamil Nadu Private College (Regulation) Rules 1976. The 4th respondent college has sent a proposal to the 3rd respondent, on 19.09.2017, seeking approval of the petitioner's appointment. The 3rd respondent has forwarded the said proposal of the 4th respondent college, to the 2nd respondent herein, for approval of the appointment. The 2nd respondent has not so far taken any action, on the proposal of the 4th respondent college, dated 19.09.2017. The 5th respondent university is impleaded as a party in this writ petition, as it has to accord qualification approval for the petitioner's application as Assistant Professor in Tamil. Since no action has been taken for the approval, the petitioner has filed the present petition.

3.Learned counsel appearing for the petitioner submitted that without going into the merits of the issue, it would suffice if this Court directs the 2nd respondent to approve his appointment as Assistant Professor of Tamil in the 4th respondent College with effect from 16.06.2017 on the basis of the proposal submitted by the 4th respondent college to the 3rd respondent herein, which has been forwarded to the 2nd respondent herein with all monetary benefits.

4. On the above contention, this Court heard the learned Government Advocate appearing for the respondents, who has no objection to such a direction being issued and the respondents will consider the petitioner's request in accordance with law, if not considered already.

5. In such view of the matter, without expressing any opinion and going into the merits of the issue, considering the limited relief sought for, this Court directs the the 2nd respondent to pass orders on the proposal of the 4th respondent College sent to the 3rd respondent herein, which has been forwarded to the 2nd respondent herein within a period of three months from the date of receipt of a copy of this order, if not already disposed of.

6. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

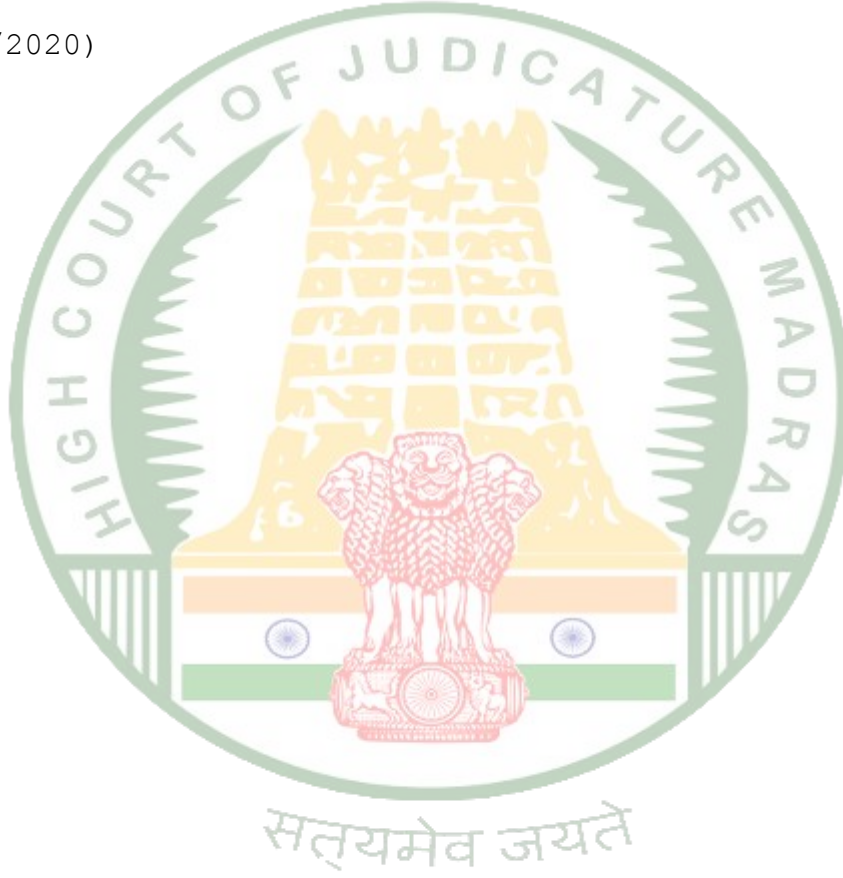
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+1cc to the Government Pleader, S.R.No.31944

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CP (CO)
NRA (14/12/2020)



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