

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.20730 of 2014

D.L.Jaisy

... Petitioner

vs.

1. The State of Tamil Nadu,
rep.by it's Secretary,
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 - 627 007.
4. St.Jude's Colege,
rep.by it's Correspondent and Secretary,
Thoothoor, Kanyakumari District - 629 176.
5. Manonmaniam Sundaranar University,
rep by it's Registrar,
Abishekapatti,
Tirunelveli - 627 012.
6. REV.FR.Francis Dsaies,
Secretary, Latin Catholic Fishermens,
Educational Society,
St.Judes College Catholic Fishermen Education Society,
Thoothoor - 629 176, Kanyakumari District.
(R6 impleaded as order dated 19.07.2016
in M.P.1 of 2015 in WP.No.20730 of 2014.)
7. S.N.Morbin Britto,
S/o.Stephen, Lecturer in English,
St.Judes College, Thoothoor,
Kannyakumari District.
8. D.Shaby, Assistant Professor in English,
St.Judes College, Thoothoor,
Kanyakumari District - 629 176.
(R7 & R8 are impleaded as per order
dated 13.03.2018 in WMP.No. 36906 of 2016
& 35001 of 2017 in WP.No.20730 of 2014)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to fix the strength of Assistant Professors in the English Department of the 4th respondent College at 9 and approve the appointment of the petitioner as Assistant Professor of English therein, with effect from 02.07.2007, with all monetary benefits, on the basis of her representation dated 12.07.2014.

For Petitioner : Mr. N.Rajan
For R1 to R3 : Mr.Karthikaibalan, Government Advocate
For R5 : Mr.Nambiarooran
for M/s.Ajmal Associates
For R6 : Mr.B.Gopalakrishnan
For R7 : Mr.R.Subramanian
For R8 : Mr.B.Ramprasath

ORDER

The Petitioner has come up with this Writ Petition seeking a direction to the second respondent to fix the strength of Assistant Processors in the English Department of the 4th respondent College at 9 and approve the appointment of the petitioner as Assistant Professor of English therein, with effect from 02.07.2007, with all monetary benefits, on the basis of her representation dated 12.07.2014.

2. The case of the Petitioner is that she was appointed as a lecturer (English) (now designated as Assistant Professor) in the fourth respondent College by order dated 02.07.2007. Subsequently, by proceedings in Pa.Mu.No.42407/F4/99 dated 28.10.1999, the second respondent permitted the fourth respondent college to appoint 8 lecturers in the English Department. Since there were 9 lecturers working in the English Department, the 9th lecturer was shown as surplus. Though the second respondent did not raise any objection to the appointment of the 9th lecturer, no steps have been taken to sanction one more lecturer, fixing the strength of lecturers at 9, in exercise of his power, under Rule 11(1) of the Tamilnadu Private Colleges (Regulation) Rules 1976. According to the petitioner, the second respondent is bound to approve the appointment of the 9th lecturer in the fourth respondent College, with effect from 02.07.2007 with all monetary benefits. Seeking the said relief, the petitioner has given a representation on 12.07.2014, which is pending without any progress. Hence, this writ petition.

3. The learned counsel for the Petitioner submitted that the representation dated 12.07.2014 made by the Petitioner has not been taken up for consideration till date and hence, the same may be directed to be considered by the respondents and appropriate orders may be passed within a reasonable time.

4. In reply, learned counsel appearing for the Respondents submitted that, he has no objection to the consideration of the Petitioner's representation by the Respondents within a reasonable time.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the second respondent to consider the representation dated 12.07.2014 made by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. In fine, this Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary, The State of Tamil Nadu,
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 - 627 007.
4. The Correspondent and Secretary, The St.Jude's college,
Thoothoor, Kanyakumari District - 629 176.
5. The Registrar, Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli - 627 012.
6. REV.FR.Francis Dsaies,
Secretary, Latin Catholic Fishermens,
Educational Society, St.Judes College Catholic Fishermen Education Society,
Thoothoor - 629 176, Kanyakumari District.

+1cc to Mr.N.Rajan, Advocate SR.NO..39744

AKM/17.04.21/3P-8C/

W.P.No.20730 of 2014
09.12.2020