

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25560 of 2019

and

WMP.No.25090 of 2019

Mr.G.D.Suresh
Assistant Professor
Department of Memorial Christian College,
Marthandam - 629 165,
Kanyakumar District.

...Petitioner

.v.

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 - 627 002.
4. Manonmaniam Sundaranar University,
Rep.by its Registrar,
Tirunelveli - 627 012.
5. The Correspondent & Secretary,
Nesamony Memorial Christian College,
Marthandam-629 165.

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 2 & 3 herein to approve the petitioner's appointment as Assistant Professor in Mathematics in the 5th respondent College for the period of two years, eight months and twenty eight days (from the date of joining service i.e., 8.10.2011 to 06.07.2014) and sanction the attendant

benefits thereof including salary, service and allowances for the said period within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.M.Karunanithi

For R 1 to R 3 : Mr.V.Kadhirvel
Special Government Pleader

For R 5 : Mr.Godson Swaminathan

O R D E R

This Writ Petition has been filed for a direction to the 2nd and 3rd respondents to approve the petitioner's appointment as Assistant Professor in Mathematics in the 5th respondent College and to sanction all the attendant benefits.

2.The petitioner is working as an Assistant Professor in the Department of Mathematics in the 5th respondent College. The 5th respondent College is a Minority Educational Institution. The petitioner was appointed to the said post with effect from 08.10.2011 and the petitioner claims to have the qualification of MSC., BE.d., and he has also passed the [State Level Screening Test]. According to the petitioner, the appointment was against the sanctioned post that fell vacant due to the retirement of the incumbent. According to the petitioner, the 5th respondent College has already forwarded his application seeking for sanction for the appointment and the same is pending before the 2nd respondent. The grievance of the petitioner is that respondents 2 and 3 are keeping the sanction pending for a very long time and therefore left with no other option, the present Writ Petition has been filed before this Court.

3.The learned counsel appearing on behalf of the 5th respondent submitted that the 5th respondent has been following up with the respondents 2 and 3 and the sanction is yet to be granted to the petitioner.

4.Heard Mr.M.Karunanidhi, learned counsel appearing on behalf of the petitioner, Mr.V.Kadhirvel, learned Special Government Pleader appearing for respondents 1 to 3 and Mr.Godson Swaminathan, learned counsel appearing on behalf of the 5th respondent.

5.Taking into consideration the facts and circumstances of the case and also the limited issue that arises for consideration, there shall be a direction to the 2nd and 3rd respondents to process the file of the petitioner wherein, the

5th respondent College sought for the sanction for the appointment of the petitioner to the post of Assistant Professor in Mathematics and appropriate orders shall be passed within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation through the 5th respondent College to the 2nd and 3rd respondents along with a copy of this order.

This Writ Petition is disposed of with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

1. The State of Tamil Nadu,
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 - 627 002.

+1cc to Mr.Isaac Chambers, Advocate, S.R.No.11042

W.P.No.25560 of 2019

KKV/20/07/2020

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