

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NOS.25563,25564,25567,25571,25574,25576,25579,25582

&

25584 OF 2019

AND

WMP.NOS.25096,25101,25109,25111,25112,25116,25118,25122

&

25123 OF 2019

- 1 DR.A.JESU KULANDAI RAJ ... PETITIONER in WP.No.25563 of 2019
- 1 DR.J.VANITHA ... PETITIONER in WP.No.25564 of 2019
- 1 DR.K.ESTHER JENITHA ... PETITIONER in WP.No.25567 of 2019
- 1 DR.I.PRINCES ... PETITIONER in WP.No.25571 of 2019
- 1 MS.MARY DOROTHY ANITHA SEBASTIAN ... PETITIONER in WP.No.25574 of 2019
- 1 R.SARITHA ... PETITIONER in WP.No.25576 of 2019
- 1 A.LEENA MERCY ... PETITIONER in WP.No.25579 of 2019
- 1 MS.CHITHRA REGIS ... PETITIONER in WP No.25582 of 2019
- 1 MS.S.NEETA ... PETITIONER in WP No.25584 of 2019

सत्यमेव जयते
-Vs-

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,
Chennai Region,
Chennai-600 015.
4. The University of Madras,
Rep.by its Registrar,
University Centenary Building,
Chennai-600 005.
5. The Secretary & Correspondent,
Loyola College (Autonomous),
Chennai 600 034.

... Respondents

Prayer in WP.No.25563 of 2019:-

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 & 3 herein to approve forthwith the petitioner's appointment as Assistant Professor in Commerce in the 5th respondent College for the period of 1 year 9 months 5 days (from 22.09.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25564 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Sociology in the 5th Respondent College for the period of 2 years and 9 days (from the date of joining service ie., 18.06.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25567 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Statistics in the 5th Respondent College for the period of 1 year 8 months and 18 days (from the date of joining service ie., 28.09.2015 to 15.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25571 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in History in the 5th Respondent College for the period of 1 year 9 months and 5 days (from the date of joining service ie., 22.09.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25574 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Advanced Zoology and Biotechnology in the 5th Respondent College for the period of 2 years and 10 days (from the date of joining service ie., 18.06.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25576 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Economics in the 5th Respondent College for the period of 2 years and 9 days (from the date of joining service ie., 18.06.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25579 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Commerce in the 5th Respondent College for the period of 1 year 9 months and 6 days (from the date of joining service ie., 22.09.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

Prayer in WP.No.25582 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Economics in the 5th Respondent College for the period of 2 years and 9 days (from the date of joining service ie., 18.06.2015 to 27.06.2017) and sanction the attendant benefits

thereof including salary, service and allowances for the said period.

Prayer in WP No.25584 of 2019:-

To Direct the respondents 2 and 3 herein to approve forthwith the petitioners appointment as Assistant Professor in Economics in the 5th Respondent College for the period of 2 years and 9 days (from the date of joining service ie., 18.06.2015 to 27.06.2017) and sanction the attendant benefits thereof including salary, service and allowances for the said period.

(in all W.Ps.)

For Petitioner : Mr.B.Karunanidhi

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

4th Respondent : Mr.L.P.Shanmuga Sundaram
(in W.P.Nos.25563,25564,
25567,25571,25574,25576,
25579,25582 & 25584/2019)

5th Respondent : Mr.P.Godson Swaminathan
for Mr.Isaacc Charles

COMMON ORDER

The issues involved in all the above writ petitions are common and therefore all the writ petitions are taken up together for final disposal.

2.The petitioners are working as Assistant Professors in various Departments in the 5th respondent College. The College in question is a recognized religious Minority Educational Institution. The petitioners claimed that they were appointed to the post of Assistant Professors in various Departments during the year 2015. The petitioners claim that some of them have passed NET conducted by the University Grants Commission and others claim that they have passed NET/SLET and some of the petitioners claim that they have completed Ph.D. After the appointment of the petitioners, the 5th respondent College sought for approval from the 4th respondent viz., University of Madras and the 4th respondent has granted approval with effect from the

date of appointment by each of the petitioners. The further case of the petitioners is that the appointment was done against the vacancy that arose in a sanctioned post. The petitioners after joining duty have been in continuous and uninterrupted service till date. The approval for the appointment was forwarded to the 3rd respondent viz., The Joint Director of Collegiate Education for the purpose of disbursing the grant-in-aid. The grievance of the petitioners is that the approval was not granted from the date of joining of the respective petitioners and it was given only effect from later date and as a result of which, each of the petitioner was denied the service benefits for nearly two years (differs for each of the petitioner).

3.It is further brought to the notice of this Court that the 5th respondent College has sent representations to respondents 1 to 3 on various dates in this regard to rectify the anomaly that has taken place and to give approval for the appointment from the date of joining of the respective petitioners. In spite of receipt of the representations, no action has been taken by the respondents 1 to 3 and therefore, the present writ petitions have been filed before this Court.

4.The learned counsel appearing on behalf of the 5th respondent submitted that the 5th respondent College has been repeatedly approaching the concerned authorities to correct the anomaly that has taken place in the grant of approval by the 3rd respondent and till date no decision has been taken. The learned counsel further submitted that all the Assistant Professors, who are the petitioners in these writ petitions have been denied the service benefits for a considerable period of time ranging from 1 to 2 years due to the fact that the approval was not given from the date of joining the said post.

5.The learned counsel appearing on behalf of respondents 1 to 3 submitted that the representations made by the 5th respondent College will be considered within a time that may be fixed by this Court and final orders will be passed.

6.Heard Mr.M.Karunanidhi, learned counsel appearing on behalf of the writ petitioners, Mr.V.Kadhirvel, learned Special Government Pleader, appearing on behalf of respondents 1 to 3, Mr.L.P.Shanmuga Sundaram, learned standing counsel appearing on behalf of 4th respondent and Mr.P.Godson Swaminathan, learned counsel for the 5th respondent and perused the materials placed on record.

7.Considering the facts and circumstances of the case and also of the fact that a very limited issue is involved in these writ petitions, which can be decided by the official respondents, these writ petitions can be disposed of by giving

appropriate directions to the respondents to pass orders on the various representations/requests made by the 5th respondent College.

8. In the result, all the writ petitions are disposed of with a direction to the 2nd and 3rd respondents to take into consideration the various representations that have been made by the 5th respondent College and pass orders with regard to granting approval of the appointment of the Assistant Professors/writ petitioners from the date of their joining the post, strictly within a period of 12 weeks from the date of receipt of copy of this order. It is left open to the 2nd and 3rd respondents to call for necessary particulars from the 5th respondent before passing the orders. The 5th respondent is directed to make a fresh representation to the 2nd and 3rd respondent by giving all the particulars along with copy of the earlier representations made by them and also a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KP

To

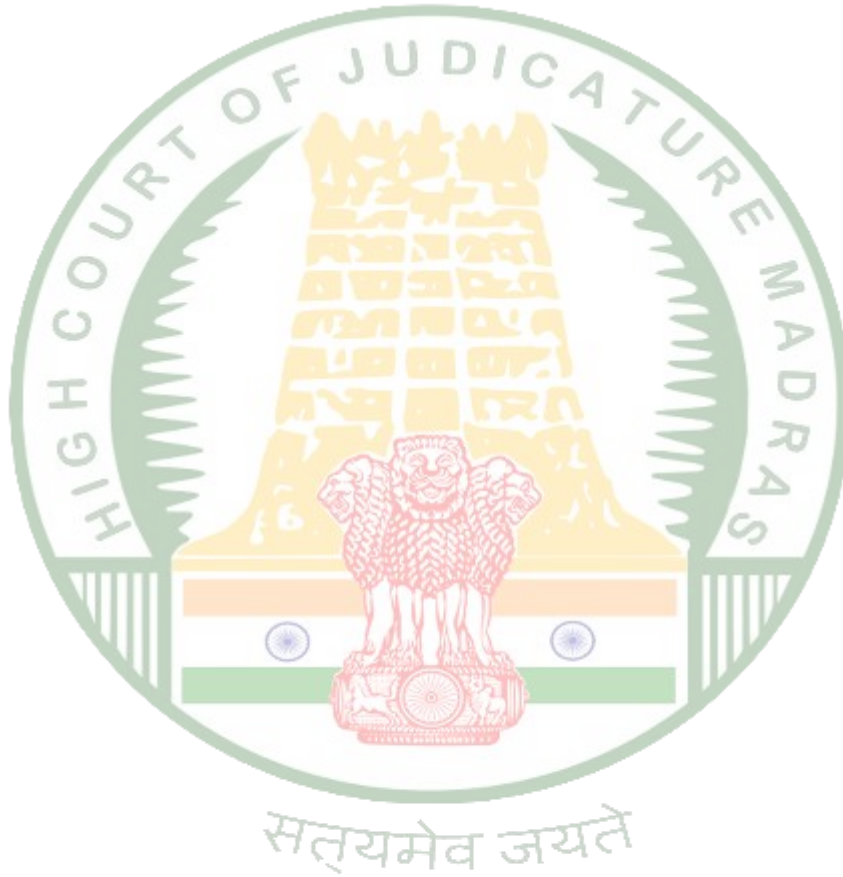
1. The Secretary,
Department of Higher Education,
Fort St. George,
Chennai-600 009.
2. The Director of Collegiate Education,
College Road,
Chennai-600 006.
3. The Joint Director of Collegiate Education,
Chennai Region,
Chennai-600 015.
4. The University of Madras,
Rep. by its Registrar,
University Centenary Building,
Chennai-600 005.

5. The Secretary & Correspondent,
Loyola College (Autonomous),
Chennai 600 034.

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.11241

W.P.Nos.25563, 25564, 25567, 25571,
25574, 25576, 25579, 25582 & 25584 of 2019

PP (CO)
KKV/20/07/2020



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