



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7553 of 2020

and

W.M.P.(MD) No.7046 of 2020

(Through Video conferencing)

WEB COPY

The Secretary,
Fatima College (Autonomous)
Mary Land, Madurai 625 018.

...Petitioner

-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,
Palam Station Road, Madurai- 525 002.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents herein to approve forthwith the appointment of 2 teaching staffs (Name list annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f. The respective dates of their appointment.

For Petitioner : Ms.A.Amala
For Respondents : Mr.A.Thiyagarajan, G.A.

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the respondents herein to approve forthwith the appointment of 2 teaching staffs viz., Dr.S.Bindu Antony, Assistant Professor in Commerce and A.Sarpia Rani, Assistant Professor in French at the petitioner's college and disburse the grant-in-aid towards their salary and allowances with effect from the respective dates of their appointment.

<https://hcservices.courts.gov.in> 2. Heard Ms. A.Amala, learned counsel appearing for the



petitioner and Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents.

3.The learned counsel appearing for the petitioner college submits that, in the sanctioned available vacancy for the post of Assistant Professor of Commerce in the department of Commerce and Assistant Professor of French in the department of French at the petitioner's college, two eligible Assistant Professors viz., Dr.S.Bindu Antony and A.Sarpia Rani were appointed as Assistant Professor of Commerce and Assistant Professor of French respectively by appointment dated 16.08.2016 and 13.02.2017 and in this regard, affiliating university i.e., Madurai Kamaraj University, by proceeding dated 01.03.2018 having verified the educational and other qualifications of the petitioner had given its approval for appointment of these two teachers and thereafter, the said proposal have been sent to the respondents for approval. The same since have not been approved, reminders also have been sent by the petitioners college in the year 2020 i.e. on 22.01.2020 and 07.02.2020. However, so far no orders have been passed approving the said appointments by the respondents. Therefore, seeking mandamus to that effect, the petitioner college is approached this Court with the aforesaid prayer.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said proposal sent by the petitioner's college dated 12.06.2018 with regard to the appointment of two teachers made in the petitioner institution would be considered on merits and in accordance with law and necessary orders to that effect would be passed within a time frame to be stipulated by this Court.

5.Considering the limited scope of the prayer sought for herein and also taking into account the submissions made by both the learned counsel appearing for the parties, this Court is inclined to dispose of this writ petition with the following order:

"the respondents, especially, the respondents 2 and 3 are hereby directed to consider the proposal sent by the petitioner's college dated 12.06.2018 with regard to the appointment of two teachers viz., Dr.S.Bindu Antony and A.Sarpia Rani as Assistant Professor of Commerce and Assistant Professor of French respectively through the appointment order dated 16.08.2016 and 13.02.2017 and pass orders on the said proposal on merits and in accordance with law, within a period of 8 weeks from the date of receipt of a copy of this order.



6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary, State of Tamil Nadu,
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,
Palam Station Road, Madurai -525 002.

+1 cc to M/s.A.Amala , Advocate SR.No.13263

Order made in
W.P. (MD)No.7553 of 2020
23.07.2020

SPU (30.07.2020) 3P 5C