



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD).No.7617 of 2020

WEB COPY

J.Kingsly Ebenezer Jebaselvan
Assistant Professor,
Department of Tamil,
St.John's College, Palayamkottai,
Tirunelveli District 627 002

.. Petitioner

Vs.

- 1) The Director of Collegiate Education,
College Road, Chennai -600 006
- 2) The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli- 627 002
- 3) The Correspondent cum Secretary,
St.John's College, Palayamkottai,
Tirunelveli District- 627 002

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to approve forthwith the appointment of the petitioner as Assistant Professor in the Department of Tamil in the 3rd respondent college and disburse the grant-in-aid towards his salary and other attendant benefits w.e.f. 08.09.2017 in the light of the approval given by the 2nd respondent to the similarly placed persons like S.Kanchana and 8 others vide proceedings in Na.Ka.No.36983/F4/2018 dated 30.08.2019.

For Petitioner : M/s.A.Aishwarya Sandaleena
For M/s.T.Cibi Chakraborty

For RR 1 & 2 : Mr.S.Dhayalan,
Government Advocate

ORDER

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents 1 and 2 herein, to approve forthwith the appointment of the petitioner as Assistant Professor in the Department of Tamil in the 3rd respondent College and disburse the grant-in-aid towards his salary and other attendant benefits w.e.f. 08.09.2017 in the light of the approval given by the 2nd



respondent to the similarly placed persons like S.Kanchana and 8 others vide proceedings in Na.Ka.No.36983/F4/2018 dated 30.08.2019.

2. The case of the petitioner is that, the petitioner was appointed some time in 2017, at the third respondent College as Assistant Professor in Tamil, pursuant to which, a proposal was originally sent on 09.04.2018. Though the petitioner was initially appointed as Assistant Professor some time in 2014, at that time, the petitioner did not clear the S.E.T qualification and he cleared the same only in the year 2017 and w.e.f. 08.09.2017, the petitioner's post can be approved as Assistant Professor (Tamil) in the third respondent College and in this regard, on 11.07.2018, a detailed proposal was sent by the third respondent College to the first respondent. However, the said proposal was not considered and it was kept pending.

3. It is the further case of the petitioner that, after some time, in the year 2019, some clarification has been sought for by the first respondent from the third respondent Institute pertaining to the proof with regard to the interview conducted, where the petitioner was selected and other related documents. The said additional documents and clarification sought for by the first respondent also had been submitted by the third respondent on 14.01.2020. Despite the same, so far, the said proposal of appointment of the petitioner has not been approved by the first respondent, thereby, the petitioner is working with the third respondent College as Assistant Professor (Tamil) without getting any salary. Hence, he seeks for indulgence of this Court by way of Mandamus.

4. Ms.A.Aishwarya Sandaleena, learned counsel appearing on behalf of M/s.T.Cibi Chakraborty, learned counsel appearing for the petitioner, who has recreated the said case of the petitioner, seeks direction from this Court.

5. Mr.S.Dhayalan, learned Government Advocate appearing for the official respondents, however would submit that, the claim made by the petitioner that, he was eligible to hold the post of Assistant Professor (Tamil) from the year 2017 has to be verified. Therefore, additional documents have been sought for and those additional documents have been recently filed (i.e.) only in January 2020. Therefore, based on the additional documents as well as the earlier proposal sent by the third respondent College, the issue with regard to the approval of the appointment of the petitioner would be considered by the first respondent and orders on merits would be passed within a time frame that shall be fixed by this Court.

6. Considering the said submission made by both sides and by taking into account the factual matrix of this case, this Court is inclined to pass the following order in this writ petition:-

"that the first and second respondents are hereby

ordered to consider the proposal of appointment of the



petitioner as Assistant Professor (Tamil), as has been sent by the third respondent College, dated 11.07.2018 along with additional particulars required, by way of reply, submitted by the third respondent, dated 14.01.2020 and pass orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

7. With this observation and direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Director of Collegiate Education,
College Road, chennai- 600 006
- 2) The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli- 627 002

Order made in
W.P. (MD) .No.7617 of 2020

Dated:
20.07.2020

SPU(12.08.2020) 3P 3C