



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10529 of 2020

C.Justin Jeba Jose

... 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,
Tirunelveli Region, Tirunelveli District.

4.The Correspondent-Secretary
Women's Christian College,
Nagercoil - 629 001,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to approve forthwith the appointment of the petitioner as Sweeper w.e.f. The date of appointment i.e. on 01.08.2016 in the 4th respondent college and disburse grant-in-aid towards his salary and other attendant benefits.

For Petitioner

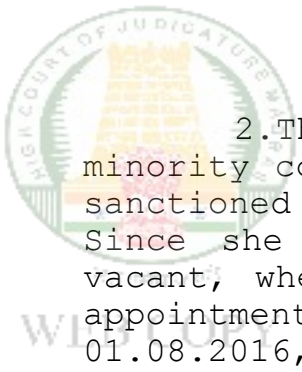
:Mrs.A.Aishwarya Sandaleena

For Respondents

:Mr.G.Arjunan, G.A. For RR1-3

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents 1 to 3 to approve forthwith the appointment of the petitioner as Sweeper w.e.f. The date of appointment i.e. on 01.08.2016 in the 4th respondent college and disburse grant-in-aid towards his salary and other attendant benefits.



2.The fourth respondent College is a recognised/approved minority college with the aid of the Government, where, there is a sanctioned post of Sweeper, where, one P.Geetha Navis was working. Since she was promoted on 26.09.2008, the said post has become vacant, where, the petitioner was appointed from 01.08.2016 by the appointment order given by the 4th respondent college dated 01.08.2016, which reads thus:

"Mr.C.Justin Jeba Jose who has been working in the Self-financed category from 07.07.2008 is now appointed as Sweeper on 01.08.2016 as per the minutes of Administrative Committee dated 30.07.2010 in the promoted vacancy of Mrs.P.Geetha Navis on 26.09.2008. This order is given as per the court order WP(MD) No.22535 of 2015 by the Honourable High Court of Madurai Bench.

If you agree, you should sign the copy of the appointment order."

3.Thereafter, it seems that, the college has sent the proposal to the official respondents for approval. However, nothing was forthcoming for all these years in this regard, therefore, since the petitioner has been working for several years in the sanctioned Sweeper post from 01.08.2016, she has given a representation to the 1st respondent with the copy marked to the 2nd and 3rd respondents on 11.05.2020. Even the said representation since has not been considered and no order to that has been passed by the official respondents, the petitioner is before this Court.

4.Heard the learned Government Advocate appearing for the respondents 1 to 3, who would submit that, the said request of the petitioner dated 11.05.2020 in the light of her appointment order dated 01.08.2016 would be considered on merits and in accordance with law within a time frame.

5.Considering the limited scope of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents, especially, the 2nd and 3rd respondents are hereby directed to consider the representation submitted by the petitioner dated 11.05.2020 and pass orders thereon, on merits and in accordance with law, after considering the appointment order given by the 4th respondent college to the petitioner on 01.08.2016 appointing the petitioner as Sweeper from that day in the sanctioned vacancy of the 4th respondent college and accordingly, pass necessary orders to that effect, within a period of eight weeks from the date of receipt of a copy of this order."



5. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// 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,
Tirunelveli Region, Tirunelveli District.

+1 CC to Mr.A. RAJESH, Advocate (SR-15497[F] dated 01/09/2020)

+1 CC to SPL GP (SR-15509[F] dated 01/09/2020)

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31.08.2020

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