



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)Nos.12512, 12515, 12517, 12518, 12520 and 12523 of 2020

M.Vanisangeetha ... Petitioner in WP(MD)No. 12512 of 2020
V.Aravindkumar ... Petitioner in WP(MD)No . 12515 of 2020
D.S.Desin ... Petitioner in WP(MD)No . 12517 of 2020
A. Arul Rajan ... Petitioner in WP(MD)No . 12518 of 2020
A.G.Karthikeyan ... Petitioner in WP(MD)No . 12520 of 2020
G. Gowtham Gandhi ... Petitioner in WP(MD)No . 12523 of 2020

-Vs-

1.The State of Tamil Nadu,
rep., by its Secretary,
Higher Education Department,
Fort.St.George, Chennai 600 09.

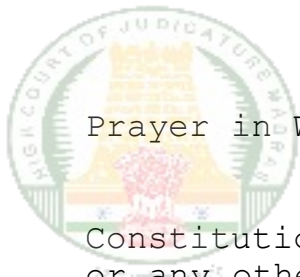
2.The Director of Collegiate Education,
College Road,
Chennai 600 006.

3.The Joint Director of Collegiate Education,
Madurai Region,
Madurai.

4.The Secretary,
Saraswathi Narayanan College,
Madurai 625 022.

...Respondents in all WPs

Prayer in WP(MD)No. 12512 of 2020 Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to approve the petitioner's appointment as Lab Assistant in the fourth respondent college in the sanctioned vacancy caused by the retirement of Mr.K.Baskaran with effect from 25.09.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran Vs., The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015, dated 29.01.2019 and approval given by the second respondent to similarly placed persons like B.Saravanan & 9 others in Na.Ka.No.30382/G4/2016 dated 03.01.2018 based on this Court order passed in W.P.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P.Rasiponnu & 4 others in Na.Ka.No.42053/G4/2018, dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.



Prayer in WP(MD)No. 12515 of 2020 :

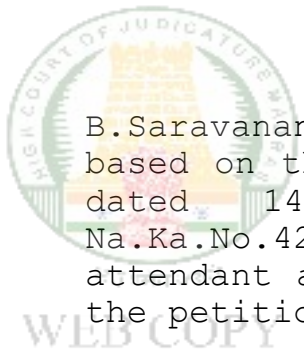
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ Directing the Respondents 1 to 3 to approve the petitioner appointment as Junior Assistant in the 4th respondent college in the Sanctioned vacancy caused by the Promotion of Mr.P.Eswaran with effect from 15.07.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran - Vs- The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015 dated 29.01.2019 and approval given by the 2nd respondent to similarly placed persons like B.Saravanan and 9 Others in Na.Ka.No.30382/G4/2016 dated 03.01.2018 based on this Court order passed in WP.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P. Rasiponnu and 4 other in Na.Ka.No.42053/G4/2018, dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.

Prayer in WP(MD)NO. 12517 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ directing the Respondents 1 to 3 to approve the petitioner appointment as Office Assistant in the 4th respondent college in the Sanctioned vacancy caused by the Promotion of Mr.R.Ram Kumar with effect from 15.07.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran - Vs- The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015 dated 29.01.2019 and approval given by the 2nd respondent to similarly placed persons like B.Saravanan and 9 Others in Na.Ka.No.30382/G4/2016 dated 03.01.2018 based on this Court order passed in WP.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P. Rasiponnu and 4 other in Na.Ka.No.42053/G4/2018, dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.

Prayer in WP(MD)No. 12518 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ directing the Respondents 1 to 3 to approve the petitioner appointment as Junior Assistant in the 4th respondent college in the Sanctioned vacancy caused by the Promotion of Mr.B.Saravanan with effect from 15.07.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran - Vs- The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015 dated 29.01.2019 and approval given by the 2nd respondent to similarly placed persons like



B.Saravanan and 9 Others in Na.Ka.No.30382/G4/2016 dated 03.01.2018 based on this Court order passed in WP.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P. Rasiponnu and 4 other in Na.Ka.No.42053/G4/2018, dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.

Prayer in WP(MD)No. 12520 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ directing the Respondents 1 to 3 to approve the petitioner appointment as Mechanic Grade in the 4th respondent college in the Sanctioned vacancy caused by the Retirement of Mr.S. Gopalakrishnan with effect form 25.09.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran - Vs- The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015 dated 29.01.2019 and approval given by the 2nd respondent to similarly placed persons like B.Saravanan and 9 Others in Na.Ka.No.30382/G4/2016 dated 03.01.2018 based on this Court order passed in WP.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P. Rasiponnu and 4 other in Na.Ka.No.42053/G4/2018, dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.

Prayer in WP(MD)NO. 12523 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus or any other appropriate Writ or Order or Direction in the nature of a Writ directing the Respondents 1 to 3 to approve the petitioner appointment as Office Assistant in the 4th respondent college in the Sanctioned vacancy with effect form 25.09.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran - Vs- The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015 dated 29.01.2019 and approval given by the 2nd respondent to similarly placed persons like B.Saravanan and 9 Others in Na.Ka.No.30382/G4/2016 dt 03.01.2018 based on this Court order passed in WP.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P. Rasiponnu and 4 others in Na.Ka.No.42053/G4/2018 dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.

For Petitioner : Mr.E.Martin Jayakumar
For Respondents : Mr.G.Arjunan
Government Advocate for R1 to R3



COMMON ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents 1 to 3 to approve the petitioner's appointment as Lab Assistant in the fourth respondent College in the sanctioned vacancy caused by the retirement of Mr.K.Baskaran with effect from 25.09.2019 in the light of the order passed in W.A.No.2318 of 2011, P.Ravichandran Vs., The State of Tamil Nadu, dated 11.10.2013 in SLP.No.887 of 2015, dated 29.01.2019 and approval given by the second respondent to similarly placed persons like B.Saravanan & 9 others in Na.Ka.No.30382/G4/2016, dated 03.01.2018 based on this Court order passed in W.P.Nos.22408 and 22417 of 2016 dated 14.07.2016 and P.Rasiponnu & 4 others in Na.Ka.No.42053/G4/2018, dated 10.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 30.10.2019.

2.Heard Mr.E.Martin Jayakumar, learned counsel appearing for the petitioners and Mr.G.Arjunan, learned Government Advocate appearing for the respondents 1 to 3. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

3.The issue raised in all these writ petitions is one and the same. Therefore, with the consent of the learned counsel appearing on both sides, these writ petitions are heard together and being disposed of by this common order.

4.That the fourth respondent College, in all these writ petitions, is a Recognized Aided College, where, according to the fourth respondent College, in view of the sanctioned strength of the teaching and non-teaching staff, as per the staff fixation order, dated 01.06.2006, there is a post of Lap Assistant, Mechanic Grade, 2 Junior Assistant Post and 2 Office Assistant post, wherein the erstwhile incumbents were working in all these posts, since retired on various dates, those posts become vacant, where these petitioners have been appointed respectively as follows:

'M.Vanisangeetha as Lap Assistant, V.Aravindkumar as Junior Assistant, D.S.Desin as Office Assistant, A.Arul Rajan as Junior Assistant, A.G.Karthikeyan as Mechanic Grade and G.Gowtham Gandhi as Office Assistant.'

5.After making all these appointments, the fourth respondent College has sent individual proposal to the second and third respondents on 03.06.2020 seeking approval of such appointments.

6.Despite the said proposals having been sent by the fourth respondent College to the second and third respondents in respect of the appointment of these petitioners, since the said appointments



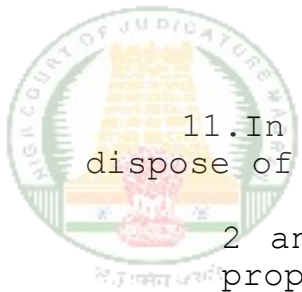
have not been approved and no orders have been passed by the second and third respondents and no communication to that effect so far has been received either by the petitioners or by the College Management, these petitioners have filed this batch of writ petitions with the respective prayers of Mandamus.

7.The learned counsel appearing for the petitioners would submit that, all these petitioners have been appointed as such in a sanctioned vacancy of non-teaching staff of the fourth respondent College, as in those positions vacancy arose because of the erstwhile incumbents retired on superannuation and therefore, such appointments having been made, the proposals were sent by the College Management on 03.06.2020. However, the same has not so far been considered and approved by the second and third respondents. Therefore, a direction to that effect can be issued to the respondents to consider those proposals and pass necessary orders on merits within a time frame.

8.The learned Government Advocate appearing for the official respondents would submit that, the petitioners, in these typed set of papers, have annexed only the staff fixation sanctioned to the fourth respondent College in the year 2006 and thereafter, whether the fourth respondent College is having any sanction of these non-teaching staff for the purpose of appointing these petitioners in various non-teaching positions, has to be ascertained and apart from that, the student strength of the fourth respondent College is also one of the criteria, which should be examined and after satisfaction that the College is having the enough strength and also is having the sanctioned vacancy of non-teaching staff in various capacity, where these petitioners claimed to have been appointed also to be ascertained to the satisfaction of the respondents 2 and 3 and then only, the request made by the fourth respondent seeking approval of appointment of these petitioners would be decided. Therefore, not as a matter of claim, these petitioners can make as claim that, their appointment should be approved by the official respondents i.e., respondents 2 and 3.

9.I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

10.There is no doubt that, the respondents, especially, the official respondents 2 and 3 would have every right to verify whether the fourth respondent College is having the sanctioned strength of these non-teaching position and for holding such non-teaching position, whether the College is having the enough strength can always be ascertained to the satisfaction of the official respondents and on satisfying the same, certainly, the official respondents can decide the request of the College Management to approve these appointments made in respect of these petitioners at various non-teaching positions.



11. In that view of the matter, this Court is inclined to dispose of these writ petitions with the following directions:

'that the respondents, especially, the respondents 2 and 3 are hereby directed to consider the separate proposal sent by the fourth respondent College on 03.06.2020 in respect of appointment of all these petitioners in various non-teaching positions, such as Lap Assistant, Office Assistant and Junior Assistant etc. Accordingly, the said proposal shall be considered on merits and in accordance with law and in this regard, it is open to the respondents 2 and 3 to satisfy that, these petitioners were appointed in the sanctioned vacancy, for which, the fourth respondent College is entitled to have such sanctioned vacancy based on the student strength and accordingly, orders shall be passed. The needful, as indicated above, shall be undertaken by the respondents, especially, respondents 2 and 3 within a period of three(3) months from the date of receipt of a copy of this order.'

12. With the above directions, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

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Sub Assistant Registrar(CS)

Rmk

To

1. The Secretary,
State of Tamil Nadu,
Higher Education Department,
Fort.St.George, Chennai 600 09.

2. The Director of Collegiate Education,
College Road, Chennai 600 006.

3. The Joint Director of Collegiate Education,
Madurai Region, Madurai.

+6 CC to Mr.E. MARTIN JEYAKUMAR, Advocate (SR-17932[F] dated 24/09/2020)

+1 CC to SPL GP (SR-18157[F] dated 25/09/2020)

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12518, 12520 and 12523 of 2020
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VB (30.12.2020) 6P 11C

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