



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.11.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.16622 of 2020

P.J.Jegan Babu

...Petitioner

Vs

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

2.The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

3.The Correspondent-Secretary,
Nesamony Memorial Christian College,
Marthandam.

... Respondents

PRAYER: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 herein to approve and regularize the petitioner's appointment as Assistant Professor in Physics in the 3rd respondent college in the sanctioned retirement vacancy of V.Sundar Raj with effect from 06.08.2007 to 06.07.2014 in the light of the approval given by the 1st respondent to the similarly placed person like Dr.N.Austin John Manohar in Na.Ka.No.35049/F2/2016, dated 27.07.2017 with monetary, service and all other benefits for the said period based on the representation dated 11.11.2019 given by the petitioner.

For Petitioner	: Mr.S.Balamurugan
For R1 & R2	: Mr.K.P.Narayanakumar
	Special Government Pleader

ORDER

This Writ Petition is filed to direct the respondents 1 and 2 to approve and regularize the petitioner's appointment as Assistant Professor in Physics in the 3rd respondent college in the sanctioned retirement vacancy of V.Sundar Raj with effect from 06.08.2007 to 06.07.2014, in the light of the approval given by the 1st respondent to the similarly placed person, like N.Austin John Manohar, in Na.Ka.No.35049/F2/2016, dated 27.07.2017 with monetary, service and



all other benefits for the said period, by considering the petitioner's representation dated 11.11.2019.

2. The learned counsel appearing for the petitioner would submit that the petitioner was originally appointed as Assistant Professor (Physics) in the 3rd respondent college, with effect from 06.08.2007 in the retirement vacancy of one V.Sundar Raj. The said appointment was made by the Management of the 3rd respondent college in a sanctioned post and the petitioner was not paid with salary by the Management. Subsequently, the said post was approved by the 1st respondent and to that effect an order was passed by the 2nd respondent in Na.Ka.No.13286/E2/2014, dated 13.03.2015.

3. The learned counsel would further submit that the 3rd respondent college sought for approval for the retirement vacancies of the Assistant Professors, which arose in the year 2007, including the retirement vacancy of said V.Sundar Raj, which arose with effect from 31.05.2006. The petitioner is working without salary from the date of his appointment to till the date of approval for the retirement vacancy arising out of a sanctioned post ie., from 06.08.2007 to 06.07.2014, whereas, the 2nd respondent has approved the petitioner's appointment only with effect from 07.07.2014 not from the date of his appointment ie., on 06.08.2007.

4. The learned counsel would further submit that the petitioner's service period ie., from 06.08.2007 to 06.07.2014 has to be approved by the respondents and that the petitioner has made a representation dated 11.11.2019 to the respondents and the same is pending till now without any progress. Hence, left with no other alternative, the petitioner is before this Court for the relief stated supra.

5. In reply, Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the 3rd respondent has already sent a proposal with regard to the approval of the petitioner's appointment as Assistant Professor (Physics) in the 3rd respondent college with effect from 06.08.2007 to 06.07.2014 to the respondents 1 and 2. He would further submit that the petitioner's representation dated 11.11.2019 will be disposed of on merits and in accordance with law, within a time frame to be fixed by this Court.

6. In view of the submissions made by the learned counsel either side and considering the facts and circumstances of the case that though the petitioner has made a representation dated 11.11.2019 to the respondents by explaining his grievances, no acknowledgement has been furnished before this Court, this Court is inclined to pass the following directions:-



i) the petitioner is directed to submit a fresh representation to the 1st respondent to workout his remedy, within a period of four weeks from the date of receipt of a copy of this order;

ii) on receipt of such representation within a time period granted by this Court, the 1st respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks therefrom; and

iii) the 3rd respondent is at liberty to send any report with regard to the proposal sent by him to the respondents 1 and 2, if he wants to send the same, within a period of four weeks from the date of receipt of a copy of this order;

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P & A)

// 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,
Thirunelveli Region, Thirunelveli.

+1 CC to M/s.S. BALAMURUGAN, Advocate SR-22751[F] dated 24/11/2020
+1 CC to M/s.GP (SR-23138[F] dated 27/11/2020)

W.P. [MD] No. 16622 of 2020
24.11.2020

ss (CO)

TR(22.12.2020) 3P 5C