



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.12986 of 2014

WEB COPY

Dr.L.Judith Sophia

.. Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 007.

3.The Chairman/Governing Board,
Scott Christian College (Autonomous),
Nagercoil - 629 003,
Kanyakumari District.

4.The Correspondent / Secretary,
Scott Christian College (Autonomous),
Nagercoil - 629 003,
Kanyakumari District.

5.Dr.Sidney Shirley

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the name of the petitioner for regularization of her services to the post of Lecturer in the Department of English with effect from 01.06.2002 in the regular permanent vacancy arising on 31.05.2002, by considering her representation dated 21.03.2014 and 14.05.2014 to the first respondent with all the monetary and other such benefits pursuant to the appointment with effect from 01.06.2002, pursuant to the resolution dated 13.08.2002 passed by the respondents 3 and 4 or such other date, within a time frame as may be fixed by this Court .

For Petitioner : Mr.D.Selvanayagam

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

For Respondent No.5 : Mr.M.Ajmalkhan,
Senior counsel for
Mr.S.Saji Bino

For Respondents 3 & 4 : No appearance



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to consider the name of the petitioner for regularization of her services to the post of Lecturer in the Department of English with effect from 01.06.2002 in the regular permanent vacancy arising on 31.05.2002, by considering her representations dated 21.03.2014 and 14.05.2014 to the first respondent and the resolution dated 13.08.2002 passed by the respondents 3 and 4, with all the monetary and other such benefits.

2.The case of the petitioner is that she was appointed as Lecturer in English on 22.09.2001 in the 4th respondent institution and the 5th respondent was appointed as a substitute Lecturer in Faculty Improvement Programme from 22.01.2002 to 31.03.2004 and their posts were unapproved at that time. Thereafter, after getting approval from the 2nd respondent, the 4th respondent College appointed the petitioner and 5th respondent in the retirement vacancies, vide proceedings, dated 01.08.2007. Since, she was temporarily appointed on 22.09.2001 and working from that date, she has come up with the present writ petition to regularize her services with effect from 01.06.2002 in the regular permanent vacancy arising on 31.05.2002 due to the retirement of one N.J.Thomas.

3.Today, when the matter came up for hearing, the learned counsel for the petitioner would submit that the 1st respondent, has passed order, dated 18.12.2014, approving the appointment of the 5th respondent, with effect from 17.06.2002 and he is not claiming anything against her. He would further undertake to withdraw the writ petition in W.P.No.586 of 2015, filed before the Principal Bench of this Court, challenging the approval of the appointment of the 5th respondent. The said undertaking is recorded.

4.The learned counsel for the petitioner would further submit that though the petitioner seeks to regularise her services with effect from 01.06.2002, since one post of lecturer fell vacant from 01.09.2002, her appointment can be approved from the said date and though the petitioner raised several grounds in the writ petition, it would suffice, if a direction is issued to the respondents 1 and 2 to consider the representation of the petitioner, seeking to regularise her service to the post of Lecturer in the Department of English, in the vacancy, which arose on 01.09.2002.

5.Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the 5th respondent and perused the materials available on record.



6.In view of the submission made by the learned counsel appearing for the petitioner, this Court directs the petitioner to give a fresh representation seeking to approve her appointment from 01.09.2002, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents 1 and 2 are directed to consider the same and pass orders, within a period of twelve weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

To

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

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 007.

+1 CC to Mr.D.SELVANAYAGAM, Advocate (SR-2953[F] dated 24/01/2020)

+1 CC to Mr.S.SAJI BINO, Advocate (SR-3047[F] dated 27/01/2020)

+1 CC to SPL.GP (SR-3176[F] dated 27/01/2020)

ORDER MADE IN
W.P (MD) No.12986 of 2014
24.01.2020

VB(07.02.2020) 3P 6C