

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 2095 of 2011

Moses D'Silva

... Petitioner

-vs-

1. The Principal,
Madras Christian College,
Tambaram, Chennai - 600 059.
2. The Bursar,
Madras Christian College,
Tambaram, Chennai - 600 059.
3. The Head of Department,
Madras Christian College,
Tambaram, Chennai - 600 059.
4. The Superintendent (Finance),
Madras Christian College,
Tambaram, Chennai - 600 059.
5. The Secretary,
The Management of Committee,
Madras Christian College,
Tambaram, Chennai - 600 059.
6. The Director of Collegiate Education,
University of Madras,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to appoint the petitioner in the existing vacancy.

For Petitioner : No appearance
For Respondents : Mr.T.Madhusudhan Reddy
for R1,R2,R3&R5
Mr.Akil Akbar Ali for R6
Government Advocate

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to appoint the petitioner in the existing vacancy.

2. It is the case of the respondents / Institutions that, in the year 1985, by appointment order dated 13.07.1985, the petitioner was appointed as Lab-Assistant on temporary basis for a period of one year with consolidated salary. In that capacity, he was working for six years and more. In the meanwhile, in the year 1992, he filed a Writ Petition to make him permanent in the post of Lab-Assistant in the Government sanctioned vacancies at the respondents Institutions. However since in that post, some other appointee was appointed, whose appointment since was not challenged, on that ground, the Writ Petition in W.P. No. 15698 of 1992 filed by the petitioner seeking the aforesaid relief was rejected by this Court on 22.11.1999, as against which, no further appeal was filed, therefore that order become final.

3. In the meanwhile, in the year 1993, the respondents Institutions made the petitioner permanent in the unaided stream of the respondents Institutions as a Laboratory Assistant and in that capacity, the petitioner is continuously working even till date.

4. If these factors are taken into account, the plea raised by the petitioner to appoint him as a Lab Assistant, first of all, has become infructuous, assuming that, if he has opted for getting appointment or absorption in the Government sanctioned vacancies, that plea cannot be raised by the petitioner, as the same already been raised unsuccessfully before this Court by the very same petitioner in the aforesaid Writ Petition, where the order was passed on 22.11.1999, rejecting the said Writ Petition filed by the petitioner.

5. Therefore, for all these reasons, this Court feels that, the present mandamus sought for in this Writ Petition cannot be issued. Accordingly, this Writ Petition fails, hence, it is dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

To

1. The Principal,
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PP(CO)
RMP(09/03/2021)

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