

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6284 of 2021
and
W.M.P.No.6898 of 2021
(Heard through VC)

Dr.R.Mahesvari

.. Petitioner

-vs-

1.The Director of Technical Education,
Guindy,
Chennai - 600 025.

2.The Regional Officer,
Southern Regional Office,
All India Council for Technical Education,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam,
Chennai - 600 006.

3.The Principal,
Coimbatore Institute of Technology,
Civil Aerodrome Post,
Coimbatore - 641 014.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to give effect to the decision of the Staff Selection Committee dated 22.12.2017 and appoint the petitioner as the Assistant Professor of Economics (aided) in the 3rd respondent institution with effect from 22.12.2017, the date on which I have been selected and recommended to be appointed for the post of Assistant Professor (aided) by the Selection Committee.

For Petitioner : Mr.G.Karthikeyan

For Respondent-1 : Mr.S.Karthikeibalan
Government Advocate

O R D E R

The petitioner has come forward with this writ petition seeking a direction to the respondents to give effect to the decision of the Staff Selection Committee dated 22.12.2017 and appoint the petitioner as the Assistant Professor of Economics (aided) in the 3rd respondent institution with effect from 22.12.2017, the date on which she has been selected and recommended to be appointed for the post of Assistant Professor (aided) by the Selection Committee.

2. Mr.S.Karthikeibalan, learned Government Advocate takes notice on behalf of the respondent No.1.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner she has been working in the institution of the third respondent since December 2009 as an Assistant Professor of Economics (SF) under the Humanities Department. From 27.09.2016 the post of Assistant Professor (aided) has been vacant since the Voluntary Retirement opted by the incumbent Professor Dr.B.Savithri. Subsequent to her retirement, an advertisement was published in daily newspaper 'Times of India' calling for various vacant position (aided) in the institution of the third respondent. The petitioner also attended the interview on 22.12.2017. The third respondent has sent a letter dated 08.01.2018 to the first respondent communicating the decision of the Staff Selection Committee in the meeting held on 22.12.2017 selecting and recommending the petitioner's name on merits for the post of Assistant Professor (aided) of Economics in the Department of Humanities. Thereafter, there was no further official reply or communication sent to the third respondent. The third respondent also sent a reminder to the first respondent dated 02.03.2020 and second reminder dated 15.07.2020 requesting the approval for appointment of the petitioner for the vacant post. It is her case that the candidates, who were selected for other Engineering subject posts were appointed subsequent to the interview and have been working in Government posts since then. Though the petitioner's name has been recommended by the Selection Committee as early as on 22.12.2017 and the two reminders from the third respondent, she has not been appointed till date. Hence, this petition.

5. Mr.S.Karthikeibalan, learned Government Advocate appearing for the first respondent would submit that in case any proposal is received from the third respondent-College, the request of appointment of the petitioner would be considered in accordance with law.

6. In view of the above submission and considering the facts and circumstances of the case, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the case of the petitioner, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation, if any and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken, to the petitioner as well as to the third respondent within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea

that the petitioner is not aware of the order. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS VIII)

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1.The Director of Technical Education,
Guindy,
Chennai - 600 025.
- 2.The Regional Officer,
Southern Regional Office,
All India Council for Technical Education,
Shastri Bhavan, 26 Haddows Road,
Nungambakkam,
Chennai - 600 006.
- 3.The Principal,
Coimbatore Institute of Technology,
Civil Aerodrome Post,
Coimbatore - 641 014.

+1CC TO MR.G.KARTHIKEYAN, ADVOCATE, SR.NO. 15497
+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 15823

W.P.No.6284 of 2021

PL(CO)
KKN 29.04.2021

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