

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31356 of 2014

P.Sivasankaran

.. Petitioner

Vs.

1. The State of Tamilnadu rep.by its Secretary
Higher Education Department,
Fort St. George, Chennai - 9.

2. The Director of Collegiate Education,
College Road,
Nungambakkam, Chennai - 6.

3. The Director,
Directorate of Vigilance and Anti-Corruption
NCV-21 to 28
P.S.Kumarasamy Raja Salai (Greenways Road),
R.A.Puram, Chennai - 600 028.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second respondent to pass orders on the representation dated 15.01.2014 as forwarded by the third respondent vide proceedings No.1913/2014/EDN/VPM dated 07.03.2014 and No.581/2014/EDN/CL dated 03.02.2014 on merits and within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr. L.Chandrakumar

For Respondents : Mr. J.Ramesh
Additional Government Pleader

ORDER

According to the petitioner, he was appointed as Assistant Professor (Maths) in July 2009, initially at Chidambaram and subsequently, transferred and posted at Government Arts College, Tindivanam. His next avenue of promotion is to the post of Lecturer, which is based on rendition of certain number of years of service with that of seniority. It is alleged by the petitioner that there was serious illegality and irregularity in

the appointment of the lecturers viz., N.Caroline Esther Santhi, Sivashanmugaraja, J.Naveen, V.Ganesan, R.Aanandhi and L.Henry, who were selected pursuant to the notification no.1/2008-09 dated 18.03.2008 as they did not satisfy the eligibility criteria in relation to the educational qualification, experience etc., as prescribed under the UGC norms / regulations, due to which, many eligible aspirants like that of the petitioner were denied and deprived of their legitimate right of appointment to the post of Lecturer. Stating so, the petitioner filed petitions to the third respondent requesting to conduct enquiry and take appropriate action against them. On receipt of the same, the third respondent forwarded the said petitions to the second respondent vide communication bearing nos.581/2014/EDN/CL dated 03.02.2014, 1913/2014/EDN/VPM dated 07.03.2014, 1914/EDN/CL dated 07.03.2014 and 5694/2014/EDN/CL dated 28.07.2014. Finding no response on the same, the petitioner sent a reminder on 12.08.2014 in this regard. Even then, there was no response. Therefore, he has filed the present writ petition seeking a direction to the second respondent to pass orders on the complaints/ petitions submitted by him, in the light of the recommendations sent by the third respondent.

2.Upon notice, the third respondent filed a detailed counter affidavit inter alia stating that the petitioner sent petition dated 15.01.2014 against one Sivashanmugaraja, Lecturer, Periyar Government Arts College, Cuddalore, petitions dated 26.02.2014 (two petitions) against J.Naveen, Lecturer, Government Arts College, Tindivanam, Villupuram District and Hendry, Lectuer, Periyar Government Arts College, Cuddalore, petition dated 03.03.2014 against Ganesan and Ananthi, Assistant Professors, Arignar Anna Arts College, Villupuram and petition dated 18.07.2014 against Caroline Esther Shanthi, Chidambaram Government Arts College, which were received by this respondent on 24.01.2014, 05.03.2014, 07.03.2014 and 21.07.2014 respectively; and after perusing the same, according to the instructions issued in Govt.Memo No.1356/64/2 Public (Services-B) dated 08.04.1964 and Para 10(3) of DVAC Manual, this respondent forwarded the said petitions to the second respondent for necessary action at their end.

3.Heard both sides and perused the materials placed before this Court.

4.Considering the limited relief sought for herein, this Court directs the second respondent to consider the complaints/ petitions submitted by the petitioner, which were forwarded by the third respondent, if not already considered and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to all the parties, within a period of eight weeks from the date of receipt of a copy of

this order.

5.This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msv

To

1. The Secretary to Government
Higher Education Department,
Fort St. George, Chennai - 9.
2. The Director of Collegiate Education,
College Road,
Nungambakkam, Chennai - 6.
3. The Director,
Directorate of Vigilance and Anti-Corruption
NCV-21 to 28
P.S.Kumarasamy Raja Salai (Greenways Road),
R.A.Puram, Chennai - 600 028.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.5652
+1cc to the Government Pleader, S.R.No.6094

W.P.No.31356 of 2014

GMI (CO)
CB(19/04/2021)

सत्यमेव जयते

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