



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22051 of 2021

(Through Video Conferencing)

Mr.R.Balu

...Petitioner

Vs

1. The Director of Collegiate Education,
College Road,
Chennai-600 006.
2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.
3. The Secretary,
N.V.K.S.D College of Education,
Attoor,
Kanyakumari District - 629 191.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to approve the petitioner's appointment as Office Assistant in the third respondent College in the sanctioned vacancy caused by the Retirement of Mr.S.Aasirvatham with effect from 01.11.2007 to 30.12.2015 in the light of the approval given by the first respondent to similarly placed non-teaching staff vide proceedings Na.Ka.No.9626/F2/2017 dated 05.07.2018 with monetary and all other attendant and service benefits based on the representation of the petitioner dated 06.01.2021.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

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



2. It is a settled proposition of law that when an appointment is made in accordance with Rules, the approval for such appointment will revert back to the date of appointment as held by the Constitution Bench of the Honourable Supreme Court in Direct Recruit Class II Engineering Officers' Association Vs State of Maharashtra reported in 1990 (2) SCC 715.

3. The petitioner's representation dated 06.01.2021, is pending consideration with the second respondent.

4. Therefore, there shall be a direction to the second respondent to consider the petitioner's representation dated 06.01.2021 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order in accordance with law and on merits.

5. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

rgm/arb

To

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

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

+1cc to the Government Pleader, S.R.No.54233

W.P.No.22051 of 2021

AD[co]
NSK 09/11/2021