



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.22058 of 2021

(Through Video Conferencing)

Mannar Thirumalai Naicker College,
Represented by its Secretary,
Mr.M.Vijayaragavan,
S/o.Mr.M.Moorthi Naidu,
B-9, Kambar Street, Thirunagar,
Madurai - 625 006.

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Secretary,
Higher Education, Fort St. George,
Chennai - 600 009.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Regional Joint Director of Collegiate Education,
Madurai Region, Madurai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondents to sanction of 2 additional Laboratory Assistant Posts for the Department of Physics & Chemistry and 1 Mechanic post in the Department of Physics in the petitioner college in the light of the first respondent G.O.Ms.No.796 dated 25.07.1985 and recommendation given by the third respondent vide proceedings Na.Ka.No.182/A4/2016 dated 16.08.2017 & Na.Ka.No.10460/E2/2010 dated 17.09.2019, based on the representation given by the petitioner college dated 07.07.2017 and 27.06.2019.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mr.V.P.R.Elamparithi
Government Advocate



ORDER

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

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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 representations dated 07.07.2017 and 27.06.2019 are pending consideration with the third respondent and the first respondent.

4. Therefore, there shall be a direction to the first and third respondents to consider the petitioner representations dated 07.07.2017 and 27.06.2019 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(CCC)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Secretary,
Government of Tamil Nadu,
Higher Education, Fort St. George,
Chennai - 600 009.
2. The Director of Collegiate Education,
College Road, Chennai - 600 006.
3. The Regional Joint Director of Collegiate Education,
Madurai Region, Madurai.

+1cc to the Government Pleader, S.R.No.54234

W.P.No.22058 of 2021

SS(CO)
SU(02/11/2021)