

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.4910 and 4911 of 2017

And

W.M.P.Nos.5141 to 5144 of 2017

The Secretary
Voorhees College,
Vellore,
Vellore District – 632 001.

... Petitioner in both the W.Ps.

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Vellore Region,
Vellore District.

... Respondents in both the

W.Ps.

Prayer in W.P.No.4910 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent in A.Thi.Mu.No.1046/A2/2016 dated 06.07.2016, quash the same and

further direct the third respondent Joint Director to approve forthwith the appointment of 13 non-teaching staffs (Name List annexed) in the petitioner's college and disburse the grant – in – aid towards their salary and allowances with effect from the respective dates of their appointments viz., 01.03.2016.

Prayer in W.P.No.4911 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent in A.Thi.Mu.No.1046/A2/2016 dated 18.07.2016, quash the same and further direct the third respondent Joint Director to approve forthwith the appointment of Mrs.Velanganni as Record Clerk in the petitioner's college with effect from her date of appointment viz., 01.07.2016 and disburse the grant – in – aid towards her salary and allowances and other attendant benefits from the said date.

For Petitioner : Mr.P.Godson Swaminath
For Respondents : Mr.Karthikai Balan
Government Advocate

COMMON ORDER

The petitioner has filed these writ petitions seeking to quash the order passed by the third respondent dated 06.07.2016 and 18.07.2016 respectively, and to direct the third respondent to approve the appointment of non-teaching staffs in the petitioner's College and disburse the grant – in – aid towards their salary and

allowances with effect from the respective dates of their appointments.

2. According to the petitioner, they sought for approval in respect of the appointment of non teaching staff in their College made against the sanctioned post and the same was rejected on the ground that such appointment was made without obtaining prior permission from the Director of Collegiate Education. Hence, these writ petitions.

3. When the matters were taken up for consideration, the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents jointly submitted that the issue involved in these writ petitions is squarely covered by the decision made in W.P.(MD) No.2410 of 2015 dated 05.03.2015, wherein, the Madurai Bench of this Court followed the earlier order passed by this Court in C.Manikandan Vs. State of Tamil Nadu, represented by its Secretary and others reported in (2012) 4 MLJ 916 which came to be passed observing that for making appointment in a sanctioned post by the college therein, there need not be any prior permission from respondents 1 to 3 therein before

filling up the said post. For ready reference, the operative portion of the decision of the Madurai Bench of this Court made in W.P.(MD) No.2410 of 2015 dated 05.03.2015 is extracted hereunder:

"3.Considering the present facts and circumstances and applying the above said decision made by this Court, I am of the view that this writ petition is to be allowed and accordingly, the same is allowed and the impugned order is set aside. Consequently, the petitioner is directed to resubmit the proposal to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the third respondent shall pass appropriate orders in the light of the order passed in this writ petition within a period of eight weeks from the date of receipt of such proposal. No costs. Consequently, connected miscellaneous petition is closed."

4.In view of the above, the writ petitions are allowed and the impugned orders are set aside. The petitioner is directed to resubmit the proposals to the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposals, if the non-teaching staffs appointed by the petitioner are found fit and otherwise in order, the third respondent shall pass appropriate orders, within a period of six weeks from the date of receipt of such proposals. No costs. Consequently, the connected miscellaneous petitions are closed.

19.03.2021

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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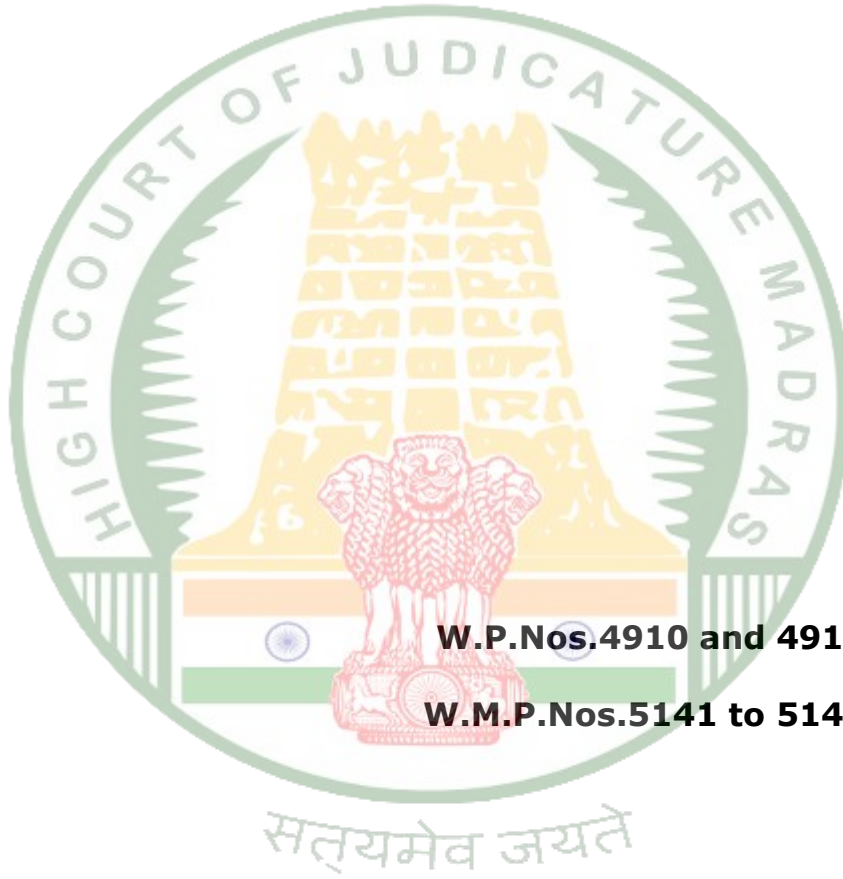
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R.MAHADEVAN,J.

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