



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2021

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD)No.9846 of 2021

Thiru.D.Julius

... 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,
St. Jude's College,
Thoothoor.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st & 2nd respondents to approve the petitioner's appointment as Sweeper in the 3rd Respondent College in the sanctioned vacancy caused by the retirement of Thiru.Vijayan with effect from 12.08.2020 in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.2019 in W.P.(MD).No.1234 of 2014 dated 24.02.2015 in W.A.(MD).No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 27.11.2020.

For Petitioner	: Mr.E.Martin Jeyakumar
For R-1 & R-2	: Mr.P.Thilak Kumar, Standing Counsel
For R-3	: Mrs.S.Kirthika

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel accepts notice on behalf of the respondents 1 & 2.



2. In view of the order going to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, directing the 1st & 2nd respondents to approve the petitioner's appointment as Sweeper in the 3rd Respondent College in the sanctioned vacancy caused by the retirement of Thiru.Vijayan with effect from 12.08.2020 in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.2019 in W.P.(MD).No.1234 of 2014 dated 24.02.2015 in W.A.(MD).No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the representation given by the petitioner dated 27.11.2020.

4. According to the petitioner, he was appointed on 12.08.2020 as a Sweeper in the third respondent College in the sanctioned vacancy and the petitioner is fully eligible for the said Post as per the Tamil Nadu Private Colleges (Regulation) Rules, 1976. The third respondent college sent a proposal dated 30.10.2020 to the respondents 1 and 2, seeking for approval of the appointment of the petitioner. However, the said proposal has been kept pending stating that the appointment was made without prior permission. Hence, the petitioner has made a representation to the respondents 1 and 2, seeking to approve his appointment. The said representation is said to be still pending. Hence, this writ petition.

5. The learned counsel for the petitioner would state that similarly placed persons like that of the petitioner had filed writ petitions and got orders of their appointments and the petitioner has also given a representation to the respondents 1 and 2 on 27.11.2020, enclosing the copies of the order passed in W.P.(MD). No.1234 of 2014 dated 24.02.2015 in W.A.(MD).No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP.No.323 of 2019 dated 18.01.2019 and would further state that it would be suffice if a direction is given to the respondents 1 and 2 to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents 1 and 2 would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents 1 and 2 and in the light of the facts and circumstances of the case, without advertting to the merits of the case, the respondents 1 and 2, are directed to dispose of the representation of the petitioner, dated 27.11.2020, on merits and in accordance with law within a period of twelve weeks



8. With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

pm/kmm

To

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

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

+1 CC to M/s.E.MARTIN JEYAKUMAR, Advocate (SR-19009[F] dated
08/06/2021)

+1 CC to M/s.SPL GP (SR-19053[F] dated 08/06/2021)

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