



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.5555 of 2019

and

W.M.P. (MD)No.4394 of 2019

WEB COPY

Dr.V.Sunitha

: Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Higher Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of Collegiate Education,
College Road, Chennai - 600 009.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli - 627 002.

4.Church of South India Kanyakumari Diocese,
represented by its Secretary,
Dennison Road, Nagercoil,
Kanyakumari District.

5.The Bishop,
Church of South India Kanyakumari Diocese,
Dennison Road, Nagercoil,
Kanyakumari District.

6.The Nesamony Memorial Christian College,
represented by its Correspondent and Secretary,
Marthandam, Kanyakumari District-629 165.

: Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 4 to 6 herein to restore and approve the petitioners appointment as Lecture in the Department of Commerce in the 6th respondent College with effect from 04.12.2008 in accordance with the order of appointment vide CCM/2008:257, dated 04.12.2008 passed in favour of the petitioner by the 6th respondent College.

For Petitioner

:Mr.S.Prabhakaran
Senior Counsel
for Mr.B.Brijesh Kishore

For R1 to R3

:Mrs.V.P.M.Vaishnavi
Government Advocate

For R4 to R6

:Mr.F.Deepak



ORDER

The petitioner herein was appointed as a Lecturer in the Department of Commerce with Computer Application on 04.12.2008. Subsequently, her service was utilized in the Language Laboratory by the erstwhile management, owing to which, the petitioner herein has filed the present Writ Petition seeking for restoration and approval of her appointment as a Lecturer in the Department of Commerce.

2.The sixth respondent herein has filed a counter affidavit stating that as on date, for the self finance course in the Department of Commerce in their College, there are vacancies available for the post of Lecturer and that if directions of the Court are obtained, the same would be considered based on her eligibility as per the Diocesan norms. The decision with regard to restoration and approval of the petitioner as a Lecturer in the Department of Commerce requires to be taken by the 5th respondent and this Court will not be justified in stepping into the shoes of sixth respondent in taking such a decision. Nevertheless, in view of the specific stand taken in the counter affidavit that there are vacancies in the post of Lecturer in the Department of Commerce, it would be appropriate to grant liberty to the petitioner to approach the sixth respondent seeking to restore the petitioner as a Lecturer in the said post.

3.It is now brought to the notice of this Court that the sixth respondent herein is under the administration of the fourth and fifth respondents Diocese. Accordingly, the petitioner is granted liberty to approach the fifth respondent herein ventilating her grievances and on receipt of such representation, the fifth respondent herein shall endeavor to pass appropriate orders in the light of the sixth respondent's counter affidavit and the observations made in this order, as expeditiously as possible, in any event, within a period of four weeks from the date of receipt of the such representation.

4.The Writ Petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Secretary,
The State of Tamil Nadu,
Higher Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of Collegiate Education,
College Road, Chennai - 600 009.

3.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli - 627 002.

+1 CC to M/s.F.DEEPAK, Advocate (SR-10381[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10613[F] dated 11/03/2021)

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-10827[F] dated
12/03/2021)

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NA (CO)
KB(30.03.2021) 3P 7C