



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]Nos.695 & 696 of 2019

and

C.M.P. [MD]Nos.6142 & 6145 of 2019

- 1.The Secretary to Government,
Government of Tamil Nadu Higher Education Department,
Chennai - 09.
- 2.The Director of Collegiate Education,
Chennai - 06.
- 3.The Joint Director of Collegiate Education,
Thanjavur Region,
(Mannar Serfoji College Campus),
Thanjavur.

: Appellants in both Writ Appeals

Vs.

Khadir Mohindeen College,
Adhiramapattinam,
Thanjavur District,
Represented by its Secretary,
S.J.Abdul Hassan & Abdul Hassan

: Respondents in both Writ Appeals

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent Act, praying to set aside the common order dated 30.01.2019 passed in W.P.[MD]Nos.432 and 433 of 2019, respectively.

Prayer in WP(MD). 432/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of 3rd respondent in Na.Ka.No.878/A3/2018 dated .07.2018 and signed by him on 27.07.2018 and quash the same as illegal, arbitrary and unenforceable consequently direct the respondents to approve the appointments of staff mentioned in the impugned order of 3rd respondent from their date of appointment to release the grant to them, with the time to be stipulated by this court.

Prayer in WP(MD). 433/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of 3rd respondent



in Na.Ka.No.079/AA3/2018 dated .02.2018 and signed by him on 26.02.2018 and quash the same as illegal, arbitrary and unenforceable consequently direct the respondents to approve the appointments of staff mentioned in the impugned order of 3rd respondent from their date of appointment to release the grant to them within a time to be stipulated by this court.

For Appellant : Mr.A.K.Manickkam
Standing Counsel for Government

For Respondents : Mr.M.R.S.Prabhu
[In both Writ Appeals]

COMMON JUDGMENT

[Common Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

With the consent on either side, these Writ Appeals are taken up for disposal.

2.Heard Mr.A.K.Manickkam, learned Standing Counsel for Government appearing for the appellants and Mr.M.R.S.Prabhu, learned Counsel appearing for the respondent.

3.These appeals by the Government are directed against the common order dated 30.01.2019 passed in W.P.[MD]Nos.432 and 433 of 2019, respectively.

4.It is submitted by the learned Counsel for the respondent that they have handed over the case papers, since there is a change of management.

5.The issue involved in these writ appeals is whether the respondent management ought to have taken prior approval from the department before appointment of a Library Assistant and a Sweeper, since both of them were accommodated in sanctioned posts. The learned Writ Court taking note of the judgment of the Hon'ble Division Bench in the case of the **Government of Tamil Nadu, represented by the Secretary to Government, Department of School Education, Fort St.George, Madras - 600 009 and others Vs. J.Remila and others** reported in **2018-1-Writ L.R.410**, allowed the writ petition.

6.On a perusal of the memorandum of grounds, we find that there is no ground raised as to how the judgment of the Division Bench is not applicable to the case of the respondent. Thus, we are not inclined to interfere with the order passed in the Writ Petition.

7.Accordingly, the Writ Appeal fails and is dismissed.
<https://hcservices.ecourts.gov.in/hcservices/>



However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar (CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,
Government of Tamil Nadu Higher Education Department,
Chennai - 09.
- 2.The Director of Collegiate Education,
Chennai - 06.
- 3.The Joint Director of Collegiate Education,
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(Mannar Serfoji College Campus),
Thanjavur.

+1 CC to M/s.SPL GP (SR-24208[F] dated 28/07/2021)

W.A. [MD] Nos.695 & 696 of 2019

26.07.2021

RK (03.08.2021) 3P 5C