



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.1995 of 2018

and

W.M.P(MD)Nos.14816 & 16135 of 2019

WEB COPY

M.Selvadhas

... Petitioner

vs.

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

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

3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar,
Tirunelveli - 627 008.

4.C.Paul Raj

5.Nesamony Memorial Christian College,
Marthandam, Kanyakumari District,
Rep. by its Correspondent/Secretary,
Kanyakumari District.

... Respondents

(RR 4 & 5 impleaded vide order, dated 11.03.2019,
in W.M.P(MD)Nos.3984 & 20355 of 2018)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 2 and 3 to approve the petitioner's appointment as Office Assistant in Nesamony Memorial Christian College, Marthandam in the sanctioned vacancy caused due to the retirement of K.Gnanamuthu with effect from 01.11.2000 to 23.02.2012 in the light of the approval given to the similarly placed non-teaching staffs with monetary and other attendant benefits on the basis of his representation made before them, dated 07.12.2017.

For Petitioner : Mr.B.Brijesh Kishore

For RR 1 to 3 : Mr.K.S.Selva Ganesan
Government Advocate

For R - 4 : Mr.K.N.Thampi



ORDER

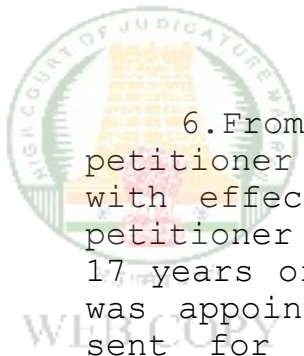
The petitioner has filed the present Writ Petition, to direct the respondents 2 and 3 to approve his appointment as Office Assistant in Nesamony Memorial Christian College, Marthandam, in the sanctioned vacancy caused due to the retirement of K.Gnanamuthu with effect from 01.11.2000 to 23.02.2012, in the light of the approval given to the similarly placed non-teaching staffs with monetary and other attendant benefits on the basis of his representation, dated 07.12.2017.

2. According to the petitioner, he was appointed, on 01.11.2000, as Office Assistant in the fifth respondent College in the vacancy caused due to the retirement of one K.Gnanamuthu in the sanctioned aided post and worked till 23.02.2012 in the said post. On 24.02.2012, the petitioner was promoted and appointed as Junior Assistant in the sanctioned post in the fifth respondent College. The said appointment was approved and he has been paid salary and other benefits. The fifth respondent College sent a proposal on 03.10.2017 to the third respondent seeking approval of the petitioner from 01.11.2000. The third respondent has not passed any order on the proposal. Hence, the petitioner sent a representation, dated 07.12.2017 to the second respondent for approval of the appointment of the petitioner as Office Assistant from 01.11.2000 to 23.02.2012. Now, the petitioner has come out with the present Writ Petition contending that his appointment as Office Assistant from 01.11.2000 to 23.02.2012 was not approved and filed the Writ Petition on 30.01.2018.

3. The fourth respondent filed W.M.P(MD)No.3984 of 2018 to implead him as the fourth respondent in the Writ Petition and the petitioner filed W.M.P(MD)No.20355 of 2018 to implead the College as fifth respondent in the Writ Petition. This Court, by an order, dated 11.03.2019, impleaded the respondents 4 and 5.

4. The learned counsel appearing for the fourth respondent submitted that without impleading the respondents 4 and 5, the petitioner is trying to get orders behind their back. The learned counsel further submitted that the fourth respondent was appointed in the post of Office Assistant in the fifth respondent College and his service was regularised and approved from 01.11.2000 to 13.08.2009 subject to the result of the Writ Petition. Subsequently, the fourth respondent was promoted as Lab Assistant and he is working as Lab Assistant in the fifth respondent College and prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing on either side and perused the entire materials available on record.



6.From the materials available on record, it is seen that the petitioner has not filed his appointment order as Office Assistant with effect from 01.11.2000. The fifth respondent College or the petitioner has not explained as to why the proposal was sent, after 17 years of appointment of the petitioner. Even when the petitioner was appointed as Junior Assistant on 24.02.2012, no proposal was sent for approval of the petitioner as Office Assistant from 01.11.2000. According to the petitioner, now the fifth respondent College has sent the proposal on 03.10.2017 for approval of appointment of the petitioner as Office Assistant with effect from 01.11.2000. The petitioner is seeking regularization of his appointment as Office Assistant, after the delay of 17 years and also claiming monetary benefits from the year 2000.

7.In view of the delay in seeking approval of the appointment of the petitioner as Office Assistant from 01.11.2000 and claiming all the monetary benefits, the claim of the petitioner has become stale and the petitioner is not entitled to the relief sought for in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
Higher Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai - 600 006.



3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Gandhi Nagar,
Tirunelveli - 627 008.

+1 CC to M/s.K.N.THAMPI, Advocate
(SR-21805[F] dated 09/07/2021)

+1 CC to M/s.SPL GP (SR-21932[F]
dated 09/07/2021)

W.P(MD)No.1995 of 2018
08.07.2021

MGJ(19.07.2021) 4P 6C