



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2021**

CORAM:

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.3452 of 2018
and W.M.P. (MD) .No.15679 of 2019

R.Raja Singh

... 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 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region, Gandhi Nagar,
Tirunelveli 627 008.
- 4.Nesamony Memorial Christian College,
Marthandam, Kanyakumari District,
represented by its Correspondent /Secretary,
Kanyakumari District.

(R4 impleaded vide order dated 22.08.2019 made in
W.M.P. (MD) .No.14440 of 2019.

5.R.Gnanadhas

(R5 impleaded vide order dated 22.08.2019
made in W.M.P. (MD) .No.14441/2019)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second and third respondents herein 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 Mr.I.Sylas with effect from 01.06.1995 to 23.02.2012 in 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 29.01.2018.

For Petitioner : Mr.B.Brijesh Kishore
For R1 to R3 : Mr.K.S.Selvaganesan
Standing counsel for State



For R4

: Mrs.Sathya Selvi
for M/s. D.Saravanan

For R5

: Mr.K.N.Thampi

O R D E R

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The petitioner seeks Writ of Mandamus directing the Director and the Joint Director of Collegiate Education (R2 and R3), to approve his appointment as Office Assistant in Nesamony Memorial Christian College, Marthandam, arrayed as R4.

2. According to him, his appointment was in a sanctioned vacancy caused by the retirement of one I.Sylas and he was in service between 01.06.1995 to 23.02.2012. A proposal was sent by R4 College on 15.12.2017, recommending the approval of the petitioner's appointment. At this juncture, Mrs.Sathya Selvi, learned counsel representing Mr.D.Saravanan, for R4 Institution would state that there has been a change in College Management and that she does not represent the present Management any more. To this extent, proposal dated 15.12.2017 loses some credibility.

3. Learned counsel appearing for R5 would contest the very appointment of the petitioner pointing out that the question of approval would not arise when the petitioner was not appointed in a manner known to law.

4. Since there are disputed questions of fact that arises in this writ petition and also for the reason that the petitioner's representation dated 29.01.2018 is admittedly pending before the official respondents ie., R1 to R3, it would in my view, suffice that R3 be directed to dispose representation, dated 29.01.2018, after hearing the petitioner, R4 and R5, by issuing notices to the respective parties sufficiently in advance. Let an order be passed by R3 thereafter in accordance with law and taking note of the contentions advanced by all parties.

5. The exercise as above shall be completed within a period of twelve weeks from date of uploading of the copy of this order upon the official website of this Court. This writ petition is disposed in the aforesaid terms. No costs. Consequently, connected Miscellaneous Petition is closed.

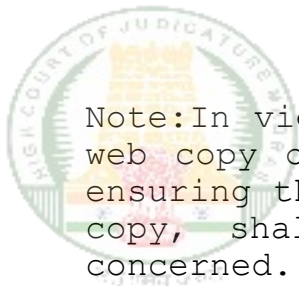
Sd/-

Assistant Registrar (Crl)

// True Copy //

/ /2022

Sub Assistant Registrar



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.

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- To
1. The Secretary,
State of Tamil Nadu
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.B. BRIJESH KISHORE, Advocate (SR-34014[F] dated 10/11/2021)

+1 CC to M/s.SPL.GP (SR-33961[F] dated 10/11/2021)

+1 CC to M/s.K.N.THAMPI, Advocate (SR-33837[F] dated 09/11/2021)

+1 CC to M/s.D. SARAIVANAN, Advocate (SR-33871[F] dated 09/11/2021)

ORDER MADE IN
W.P. (MD) No.3452 of 2018
09.11.2021
1/2

akv
MS/10.03.2022/3P.8C