



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition (MD)Nos.21616 of 2017 and 20000 of 2016
and
W.M.P. (MD) .No.17899 of 2017

T.K.Mini

... Petitioner in both W.Ps

Vs.

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

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

3.The Administrative Council,
Church of South India,
Kanyakumari Diocese,
represented by its Administrative Secretary,
Nagercoil,
Kanyakumari District.

4.Nesamony Memorial Christian College,
represented by its Correspondent and Secretary,
Marthandam,
Kanyakumari District.

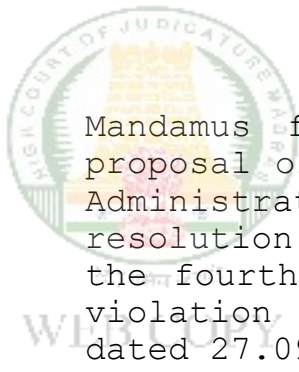
5.J.Jebaisan ... Respondents in W.P. (MD) .No.21616 of 2017

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

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

3.Nesamony Memorial Christian College,
represented by its Correspondent and Secretary,
Marthandam,
Kanyakumari District.... Respondents in W.P. (MD) .No.20000 of 2016

Prayer in W.P. (MD) .No.21616 of 2017.: Writ Petition is filed under
Article 226 of the Constitution of India for issuance of a Writ of



Mandamus forbearing the respondents 1 and 2 from accepting the proposal of the third respondent in pursuance of the Minutes of the Administrative Committee Meeting dated 12.08.2017 insofar as the resolution to promote the fifth respondent as Library Assistant in the fourth respondent College with effect from 01.10.2013 in total violation of the directives of the first and second respondents dated 27.09.2014, 09.10.2014, 23.10.2014 and 23.07.2015.

Prayer in W.P. (MD).No.20000 of 2016.: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the third respondent herein to provide appointment on compassionate grounds to the petitioner herein as Library Assistant, in the light of the proceedings issued by the second respondent herein, vide proceedings in Na.Ka.No.6128/E2/2010, dated 23.07.2015, within a reasonable time as may be specified by this Court.

For Petitioner in

W.P. (MD).No.21616 of 2017 : Mr.C.K.M.Appaji
For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R4 : Mr.T.Cibichakraborty

For Petitioner in

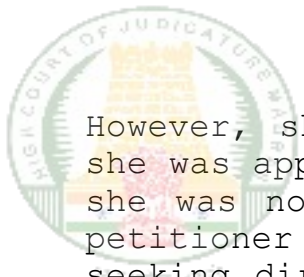
W.P. (MD).No.20000 of 2016 : Mr.C.K.M.Appaji
For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R3 : Mr.T.Cibichakraborty

C O M M O N O R D E R

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. The prayer in W.P.(MD).No.20000 of 2016 is for a Writ of Mandamus directing the third respondent to provide appointment on compassionate ground to the petitioner as Library Assistant, in the light of the proceedings issued by the second respondent, dated 23.07.2015 and the prayer in W.P.(MD).No.21616 of 2017 is for a Writ of Mandamus forbearing the respondents 1 and 2 from accepting the proposal of the third respondent, in pursuance of the Minutes of the Administrative Committee Meeting, dated 12.08.2017, insofar as the resolution to promote the fifth respondent as Library Assistant in the fourth respondent College.

3. The grievance of the petitioner is that her father was working as Laboratory Assistant in the third respondent College and died in harness on 24.07.2009. Hence, the petitioner has submitted an application seeking compassionate appointment on 10.08.2009.



However, she was not appointed in the regular sanctioned post and she was appointed as a Management staff on 10.05.2010 and till date, she was not given appointment by the third respondent. Hence, the petitioner has filed the writ petition in W.P.(MD).No.20000 of 2016 seeking direction to the third respondent to provide appointment on compassionate ground to the petitioner as Library Assistant, in the light of the proceedings issued by the second respondent, dated 23.07.2015. The case of the petitioner in W.P.(MD).No.21616 of 2017 is that though the petitioner's application for compassionate appointment was pending before the third respondent and the same was not forwarded to the second respondent, despite the proceedings issued by the second respondent, dated 23.07.2015, the third respondent College has forwarded the proposal for appointment of one J.Jeba Isan as Library Assistant, due to the vacancy arose from 01.10.2013, for the death of one Justin Devaraj. As against the said proposal, the W.P.(MD).No.21616 of 2017 is filed for a Writ of Mandamus forbearing the respondents 1 and 2 from accepting the proposal of the third respondent, in pursuance of the Minutes of the Administrative Committee Meeting, dated 12.08.2017, insofar as the resolution to promote the fifth respondent as Library Assistant in the fourth respondent College.

4. Mr.C.K.M.Appaji, learned counsel appearing for the petitioner would submit that if the College Committee Resolution is implemented by the educational authorities, there is no post available for filling up the post of compassionate appointment in favour of the petitioner. Hence, it is necessary to issue a direction to the third respondent to appoint the petitioner on compassionate ground, based on the proceedings of the second respondent, dated 23.07.2015 and further prevent the educational authorities for grant of approval of appointment and promotion to the post of Library Assistant. If the approval is granted in favour of the Jeba Isan, there is no post available to the petitioner for compassionate appointment. Hence, he prayed for allowing these writ petitions.

5. The learned Additional Government Pleader appearing for the respondents would submit that till date the petitioner's request for compassionate appointment was not forwarded by the College Committee to the educational authorities and the petitioner not even appointed to the said post. Hence, the petitioner is not entitled to file a writ petition, challenging the proposal submitted by the College Committee to the educational authorities for approval and he has no *locus standi* to prevent the educational authorities for taking a decision. Accordingly, he prayed for dismissal of these writ petitions.

6. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 and 2, learned counsel for the respondents 3 and 4 and perused the materials available on record.



7. It is an admitted fact that the petitioner was appointed only as a management staff and till date the College Committee has not forwarded the petitioner's name for compassionate appointment.

8. In view of the above, the petitioner is not entitled for the relief sought for in W.P.(MD).No.21616 of 2017 and the College Committee have every right to send a proposal to the educational authorities for approval of their appointment and promotion, if otherwise eligible. Hence, the W.P.(MD).No.21616 of 2017 is dismissed. In W.P.(MD).No.20000 of 2016, this Court directs the third respondent to consider the representation of the petitioner, dated 06.07.2016, in accordance with the Scheme and Law, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. However, in the circumstances of the case, there will be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

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

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

+2 CC to M/s.ISSAC CHAMBERS, Advocate (SR-2660,2659[F] dated
01/02/2021)

+1cc to SPL GP Sr.No. 2626

W.P. (MD)Nos.21616 of 2017 and 20000 of 2016
29.01.2021

VB (10.03.2021) 4P 6C