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\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM

THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.2797 of 2022

Sree Sevugan Annamalai College,
rep. by its Secretary Mrs.A.S.Santhi.

... Petitioner

Vs.

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

2. The Regional Joint Director Collegiate Education,
Madurai Region, Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to approve and permit the petitioner college to fill up the sanctioned posts of 10 non-teaching staffs viz., Office Assistant-2, Waterman-1, Watchman - 2 Sweeper - 4 and Scavenger-1 in the sanctioned vacancies in the petitioner's College in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons vide proceedings Pa.Mu.No.4874/A2/2013 dated 28.08.2019 in W.P.(MD) No.1234 of 2014 dated 24.02.2015 in W.A.(MD).No.931 of 2018 dated 12.07.2018 and in Special Leave Petition SLP No.323 of 2019 dated 18.01.2019 with monetary and all other attendant and service benefits based on the proposal/ representation given by the petitioner college dated 22.11.2021 in the light of the recommendation sent by the second respondent vide proceedings Na.Ka.No.12437/E3/2021 dated 03.12.2021.

For Petitioner : Ms.Selvi George
For Mr.R.Martin Jayakumar

For Respondents : Mr.V.Veluchamy, Addl.Govt.Pleader



ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to approve and permit the petitioner college to fill up the sanctioned posts of 10 non-teaching staffs viz., Office Assistant-2, Waterman-1, Watchman - 2 Sweeper - 4 and Scavenger-1 in the sanctioned vacancies in the petitioner's College in the light of the approval given by the Joint Director of Collegiate Education to the similarly placed persons.

2. The case of the petitioner in brief:

The petitioner college was sanctioned with 34 posts for non-teaching staff, under the Aided Scheme, as per the proceedings of the respondents dated 23.11.1973. Out of the 34 posts, 10 posts have fallen vacant. The Government has issued an order bearing G.O.Ms.No.219 dated 24.10.2014, by which, approval had been given only to the 50% of the Office Assistant Post. The above said Government Order has been challenged by various writ petitions and they were allowed. Against which, Writ Appeals filed, and they were dismissed and the Special Leave petitions filed by the respondents were also dismissed.

2.1. Therefore, the post sanctioned and approved in a particular category accorded to an Aided Institution cannot be disturbed and the respondents are duty bound to continue the already given sanctioned post to the institutions for the welfare of the students and college. The posts of similarly placed persons working in Rajapalayam Raju's College, were approved by the Joint Director of Collegiate Education. The petitioner college had sent proposal to the respondents dated 22.11.2021 to give approval to fill up the above 10 non teaching posts. But it was not considered. Hence this writ petition.

3. The learned Additional Government Pleader, appearing for the respondents submitted that, the proposal sent by the petitioner will be considered and appropriate orders will be passed by the respondents, in accordance with law, within a time as fixed by this court.

4. In view of the above submissions, without expressing any opinion on merits, this court is inclined to pass orders at the admission stage itself.

5. Accordingly, it is ordered as follows.

i) The second respondent is directed to consider the proposal dated 22.11.2021 submitted by the petitioner on its own merits, in accordance with law, as early as possible, within a



period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

mst

To

1. The Director of Collegiate Education,
College Road, Chennai 600 006.
2. The Regional Joint Director Collegiate Education,
Madurai Region, Madurai.

+1cc to Mr.E.Martin Jaya kumar, Advocate SR.No.10121

+1cc to Government Pleader SR.No.11082

W.P.No.2797 of 2022

KG(CO)
GMY(04/03/2022)