



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5104 of 2022

Nirmal G.

...Petitioner

-vs-

- 1.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Vellore Region,
Vellore.
- 3.The Secretary,
Auxilium College,
Gandhi Nagar,
Vellore - 632 006.

...Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to approve the Petitioner's appointment as Office Assistant in the Third Respondent College in the sanctioned vacancy caused by the death of Mr. Francis A. with effect from 01.07.2011 to 01.12.2020 in the light of the approval given by the First Respondent to similarly placed non-teaching staff vide proceedings in Na. Ka. No. 14511/F2/2021 dated 09.08.2021 in W.P. (MD) No. 6155 of 2021 dated 18.03.2021 with monetary and all other attendant and service benefits based on the representation of the Petitioner dated 15.11.2021.

For Petitioner : Mrs. Selvi George
for Mr. Martin Jaya Kumar

For Respondent : Mr. D.Ravichandran,
Special Government Pleader
(for R1 & R2)



O R D E R

Heard Mrs. Selvi George, Learned Counsel appearing for the Petitioner and Mr. D.Ravichandran, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Third Respondent is a private college receiving grant-in-aid from the Government of Tamil Nadu for payment of salary to its teachers. The Petitioner was appointed as Office Assistant in the college of the Third Respondent with effect from 01.07.2011 as against a vacancy that arose on the death of the previous incumbent, viz., A.Francis, on 01.10.1997, but approval for such appointment had been granted by the Second Respondent by Order in Ni. Mu. No. 160/Aa1/2020 dated 25.02.2021 only with effect from 02.12.2020, which deprives him of the emoluments for the period from 01.07.2011 to 01.12.2020 for which he claims to have worked. It is informed that the Third Respondent had made a representation dated 15.03.2021 to the First and Second Respondents followed by the reminder dated 15.11.2021 made by the Petitioner in that regard, but no action has been taken so far, which has necessitated the Petitioner to file this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) it shall be incumbent upon the First and Second Respondents to immediately examine the representation dated 15.03.2021 made by the Third Respondent including ascertaining as to whether the Petitioner had actually worked in the college of the Third Respondent during the relevant period so as to be entitled for monetary benefits claimed;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner and the Third Respondent requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and the Third Respondent to explain their position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;



- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of arrears of monetary benefits shall be disbursed within a period of 30 days from the date of passing of that order;
- (v) the report of completion of the aforesaid exercise shall be filed by 30.06.2022 before the Registrar (Judicial) of this Court; and
- (vi) there shall be no order as to costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vjt

To

- 1.The Director of Collegiate Education,
College Road,
Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Vellore Region,
Vellore.
- 3.The Secretary,
Auxilium College,
Gandhi Nagar,
Vellore - 632 006.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai.

+1cc to Mr.E.Martin Jayakumar, Advocate SR. No. 15676
+1cc to Government Pleader SR. No.16261

W.P. No. 5104 of 2022

PR (06/04/2022)