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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5173 of 2022

S.Valentine Usha Kalaichelvi

... 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 petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the 1st and 2nd respondents to approve the petitioner's appointment as Assistant Professor in Commerce in the 3rd respondent College in the sanctioned vacancy caused by the voluntary retirement of Mrs.Caroline.C with effect from 02.08.2017 and to pay salary for the period from 02.08.2017 to 10.11.2020 in the light of the approval given by the 1st respondent to similarly placed persons vide proceedings Na.Ka.No.34128/G4/2021 dated 26.10.2021 in W.P.No.21445 of 2021 dated 06.10.2021 with monetary and all other attendant and service benefits by considering the petitioner's representation dated 15.11.2021.

For Petitioner : MS.Selvi George for
E.Martin Jayakumar

For R1 and R2 : Mr.V.Veluchamy
Additional Government Pleader



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the 1st and 2nd respondents to approve the petitioner's appointment as Assistant Professor in Commerce in the 3rd respondent College in the sanctioned vacancy caused by the voluntary retirement of Mrs.Caroline.C with effect from 02.08.2017 and to pay salary for the period from 02.08.2017 to 10.11.2020 in the light of the approval given by the 1st respondent to similarly placed persons vide proceedings Na.Ka.No.34128/G4/2021 dated 26.10.2021 in W.P.No.21445 of 2021 dated 06.10.2021 with monetary and all other attendant and service benefits by considering the petitioner's representation dated 15.11.2021.

2. The case of the petitioner in brief:

The petitioner was appointed as Directress of Physical Education in the 3rd respondent College in the sanctioned vacancy caused by the retirement of Caroline.C with effect from 02.08.2017. Subsequently, the said post was approved by the 2nd respondent vide proceedings Pa.Mu.No.4595/A1/2020 dated 09.02.2021 with effect from 11.11.2020. The petitioner was fully eligible for the said post as per Tamil Nadu Private Colleges (Regulation) Rules, 1976. Further, the appointment of similarly placed persons who are working in the 3rd respondent college, was initially approved by the 1st respondent and subsequently, they have filed a writ petition before this Court in W.P.No.21445 of 2021 and based on the order passed in the aforesaid writ petition, the 1st and 2nd respondents have approved their appointments from the date of initial appointment vide proceedings dated 09.02.2021. Therefore, the petitioner made a representation to the respondents on 15.11.2021 seeking approval of her appointment as Assistant Professor in Commerce in the sanctioned retirement vacancy, but the same has not been considered till date. Hence, the writ petition.

3. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that if any such representation was received by the respondents 1 & 2, the same will be considered on merits and in accordance with law.

4. In view of the aforesaid submissions and also considering the limited scope of the prayer, without expressing any opinion on merits, this Court is inclined to direct the 2nd respondent to consider the petitioner's representation dated 15.11.2021 on merits and in accordance with law, as expeditiously as possible within a period of twelve weeks from the date of receipt of a copy of this order.



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

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Director,
Directorate of Collegiate Education,
College Road,
Chennai - 600 006.
2. The Joint Director,
Directorate of Collegiate Education,
Vellore Region,
Vellore.

+1cc to the Government Pleader, S.R.No.16278

W.P.No.5173 of 2022

GPL[co]
NSK 28/03/2022