



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.6808 OF 2022

AND

W.M.P.NO.6880 OF 2022

Dr.R.K.Catherin Freeda

... Petitioner

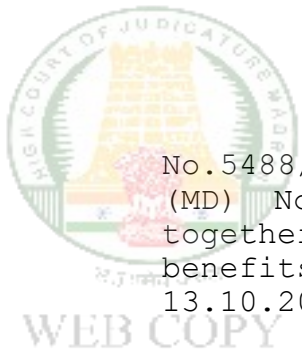
Vs.

1. The Secretary to the State of Tamil Nadu,
Higher Education Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.
4. The Correspondent Secretary,
Scott Christian College (Autonomous),
Nagercoil, Kanyakumari District.

...Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 3 to approve the petitioner appointment as Assistant Professor in Tamil in the 4th respondent Scott Christian College (Autonomous), Nagercoil dated 07.09.2020 in the sanctioned retirement vacancy of Dr.C.Rajappa with effect from 07.09.2020 in the light of approval given by the respondents to the similarly placed persons like Dr.B.Nalatha Vijilin, Dr.TS.Shynin Brintha, Dr.Jebitha M.Sherlin, Dr.R.S.Jeba Jeevitha, Dr.Ajitha, Dr.S.Pusphalatha, Dr.T.P.Sherin, Dr.Lal Gipson in pursuance of the order passed Writ Petition in W.P.No.34797 of 2019 dated 16.12.2019 and in W.P.No.34798 of 2019 dated 16.12.2019 W.P. (MD) No.5485/2021, W.P. (MD)



No.5488/2021, W.P.(MD) No.5489/2021, W.P.(MD) No.5492/2021, W.P.(MD) No.5493/2021 and W.P.(MD) No.5494/2021 dated 12.03.2021 together with mandatory and all other attendance and service benefits based on the representation of the petitioner dated 13.10.2021.

For Petitioner : Mr.C.K.M.Appaji
For Respondents: Mr.M.Bindran
1 to 3 Additional Government Pleader

O R D E R

By consent of both parties, the matter is taken up for final disposal at the stage of admission itself.

2. The case of the writ petitioner is that he was appointed as Assistant Professor in Tamil in the 4th respondent College viz., Scott Christian College (Autonomous) Nagercoil with effect from 07.09.2020 in the sanctioned retired vacancy of Dr. Rajappa and he has not been paid salary from the management funds. On 28.09.2020, the 4th respondent College sent a proposal to the 2nd and 3rd respondents informing his appointment in the sanctioned post and requested to grant approval to the said post. The 2nd respondent vide his proceedings dated 12.10.1999 granted permission to fill up all vacant posts of the year 1999-2000 and the petitioner was also appointed in the said sanctioned post. The 4th respondent College also sent communication to the 2nd and 3rd respondents and sought for approval of retirement vacancies of the Assistant Professor which arose in the year 2020 including the retirement vacancy of Dr.C.Rajappa arose on 31.05.2020. The 3rd respondent already sent the proposal to the 2nd respondent for fixation of staff strength as per workload requesting to grant permission to fill up the existing vacancies and to release the necessary grant. There is no necessity to obtain prior approval from the 2nd respondent in respect of filling up a vacancy arising out of the sanctioned post. The petitioner has been working without salary in the 4th respondent college from the date of his appointment and hence, it is just and necessary that the approval be granted by the respondents for his appointment as Assistant Professor. Since the service of the similarly placed persons were approved by the respondents, the petitioner made a representation on 13.10.2021 to the 2nd and 3rd respondents requesting them to approve his appointment as Assistant Professor in Tamil in the college of the 4th respondent. Hence the writ petition.

3. Mr.M.Bindran, learned Additional Government Pleader takes notice for the respondents 1 to 3 and he would submit that the



2nd respondent has passed an order and the same has been forwarded to the 3rd respondent for passing further orders.

4. In the light of the aforesaid order passed by the 2nd respondent, the 3rd respondent is directed to pass appropriate orders in accordance with law, as expeditiously as possible.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the State of Tamil Nadu,
Higher Education Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Director of Collegiate Education,
College Road,
Chennai - 600 006.
3. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.25252
+1cc to the Government Pleader, S.R.No.24915

W.P.No.6808 of 2022
and
W.M.P.No.6880 of 2022

MG(CO)
PM/29/04/2022