



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.14313 of 2020

S.W.Noah Eastman

...Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
43, 1st West Cross Street,
Gandhi Nagar,
Vellore-632 006.

3.The Secretary,
Voorhees College,
123, Ashram Bungalow,
Filter-Bed Road,
Vellore-632 001.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to sent the proposal for the purpose of approval of appointment of the petitioner to the 2nd respondent for approval and regularize the services of the petitioner and grant him monetary benefits within a reasonable time.

For Petitioner : Mr.Adithya Varadarajan

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader
for R1 and R2

Mr.J.Hudson Samuel for R3

O R D E R

The writ petition has been filed for the issuance of a writ of mandamus directing the 3rd respondent to send the proposal to



the 2nd respondent for the purpose of approval of appointment of the petitioner and regularize the services of the petitioner and to grant him monetary benefits within a reasonable time frame.

2. According to the writ petitioner, the 3rd respondent has called for applications for the post of Assistant Professor in Physics Department and the petitioner applied for the same and got selected as Assistant Professor, vide appointment order dated 20.11.2017, subject to completion of probation for a period of one year, but so far the 2nd respondent has not approved his appointment. In this regard, the petitioner has also submitted a representation dated 05.02.2020 to the 3rd respondent requesting to send the files for approval of appointment to the 2nd respondent and the same was also acknowledged and kept pending without passing any orders and hence the petitioner has filed the present writ petition.

3. The 2nd respondent has filed a counter affidavit. It is contended in the said counter that as per Section 14(1)(b) of the Tamil Nadu Private Colleges (Regulation) Act, 1976, the Secretary/College Committee is the appointing authority for the appointment of Teaching and Non-Teaching staff of the private college and fix their pay and allowances and define their duties and conditions of their services. It is further stated in the counter affidavit that as and when the proposal for approval of appointment is received from the 3rd respondent college, the same will be considered in accordance with rules and regulations for the purpose of releasing grant in aid by the 2nd respondent herein. According to them, so far, no such proposal has been received from the 3rd respondent. If such proposal is received, the 2nd respondent will consider the said proposal and take appropriate decision and the same will be communicated to the parties.

4. The learned counsel appearing for the 3rd respondent would submit that the proposal will be sent to the 2nd respondent within a period of one week from today.

5. Recording the aforesaid submission made by the learned counsel for the 3rd respondent, this Court directs the 3rd respondent to send the proposal for approval of appointment of the petitioner to the 2nd respondent within a period of one week from today and on such proposal being received from the 3rd respondent college, the same shall be considered by the 2nd respondent, if the petitioner is otherwise eligible and pass appropriate orders in accordance with law within a period of 8 (eight) weeks from the date of receipt of a copy of this order. This court is of the view that delay is caused only by the 3rd respondent in sending the proposal.



6. The writ petition is disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

Jvm

To

1.The Directorate of Collegiate Education,
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Chennai-600 006.

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3.The Secretary,
Voorhees College,
123, Ashram Bungalow,
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+1cc to Mr.A.E.Ravichandran, Advocate Sr.No.33352

+1cc to M/s.Paul & Paul, Advocate Sr.No.33319

W.P.No.14313 of 2020

SMI (CO)
RVM(17/06/2022)