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W.P.No.5272 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5272 of 2017

and

W.M.P.No.5588 of 2017

G.Solomon Soundararaj

...Petitioner

Vs.

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

2.The Joint Director of Collegiate Education,
Thirunelveli Region, Thirunelveli – 627 001.

3.Nesamony Memorial Christian College,
Rep.by its Correspondent, Marthandam,
Kanyakumari District – 629 165.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to his proceedings made in Na.Ka.No.47658/F2/2015 dated 29.7.2016 and quash the same and consequently issuing suitable orders against the 1st respondent for the approval of the petitioner's initial appointment as 'Sweeper' fixing his seniority on par with others, considering



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the nature of the said appointment made in clear approved and promotion vacancy according sanction for all monetary and service benefits with effect from 23.12.1997 in the light of retrospective approval and regularization of the appointment made to Thiru K.Paulian and Thiru N. Robin Jabanese as 'Sweepers'.

For Petitioner : Mr.A.Amalraj

For R1 and R2 : Mr.A.Anandan
Government Advocate

For R3 : Mr.P.Ebenezerpaul

ORDER

The relief sought for in the present writ petition is to call for the records of the 1st respondent relating to his proceedings made in Na.Ka.No.47658/F2/2015 dated 29.7.2016 and quash the same and consequently issuing suitable orders against the 1st respondent for the approval of the petitioner's initial appointment as 'Sweeper' fixing his seniority on par with others, considering the nature of the said appointment made in clear approved and promotion vacancy according sanction for all monetary and service benefits with effect from 23.12.1997 in the light of retrospective approval and regularization of the appointment made to Thiru K.Paulian and Thiru N. Robin Jabanese as 'Sweepers'.

2. The grievances of the writ petitioner to approve his initial



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appointment as Sweeper was not granted. Subsequently, the writ petitioner was appointed as Lab Assistant with effect from 13.06.2007. The initial appointment of the writ petitioner was on 23.12.1997 as Sweeper.

3. Regarding the said grievances of the writ petitioner, the learned Government Advocate appearing on behalf of the respondents 1 and 2, made a submission that the competent authority has already passed a conditional order for grant of approval of appointment of the writ petitioner and the Management of the 3rd respondent college submitted all necessary proposals to the Director of Collegiate Education, who in turn, scrutinized the documents and granted approval of appointment of the writ petitioner. However, the scale of pay is to be fixed and in that regard, proceedings are to be issued.

4. In view of the fact that the appointment of the writ petitioner has already been approved and the consequential proceedings alone are awaited, no further adjudication is required.



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5. However, the respondents are directed to complete the process as expeditiously as possible.

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

Consequently, connected miscellaneous petition is closed.

13.10.2022

Index : Yes

Speaking order: Yes

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To

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S.M.SUBRAMANIAM, J.

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