



W.P.No.31164 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.11.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31164 of 2022

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Sri Kumara Gurupara Swamigal Arts College,
Rep. by its Secretary,
Dr.S.Sankaranarayanan

.. Petitioner

Vs.

1. The Director of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai,
Saidapet, Chennai-600 015.

2. The Regional Joint Director
of Collegiate Education,
Tirunelvelil Region,
Tirunelveli.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to permit the petitioner/College to fill up the sanctioned posts of non-teaching staffs, viz., Junior Assistant - 2, Record Clerk - 2, Library Assistant - 1, Office Assistant - 3, Watchman - 2, Gardener - 1, Waterman - 1, Sweeper - 3, Scavenger - 1 and Marker - 1, in the sanctioned vacancies in the petitioner/College in the light of the order of this Court made in W.P.(MD).No.1234 of 2014, dated 24.02.2015, W.A.(MD).No.931 of 2018, dated 12.07.2018, which has been confirmed by the Honourable Apex Court in S.L.P.No.323 of 2019, dated 18.01.2019 by

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considering the proposal/representation given by the petitioner/College dated 28.09.2022 and to approve the said appointments..

For petitioner : Mr.E.Martin Jayakumar

For respondents: Mr.V.Manoharan, Spl.G.P.

ORDER

This Writ Petition has been filed by the petitioner/College seeking to fill up the sanctioned post of non-teaching staffs, namely Junior Assistant - 2, Record Clerk - 2, Library Assistant -1, Office Assistant - 3, Watchman - 2, Gardener - 1, Waterman - 1, Sweeper - 3, Scavenger - 1 and Marker - 1 in their College. The petitioner has submitted a representation on 28.09.2022 for the aforementioned purpose. According to the petitioner, the second respondent has also forwarded the recommendation to the first respondent for consideration. The representation of the petitioner, dated 28.09.2022 seeking to fill up the aforementioned posts, has not yet been considered till date. In such circumstances, the petitioner-College had filed the present Writ Petition. The petitioner also relies upon the order passed in W.P.(MD).No.1234 of 2014, dated 24.02.2015 and also W.A.(MD).No.931 of 2018, dated 12.07.2018, which has been confirmed by the Honourable Apex Court in S.L.P.No.323 of 2019, dated 18.01.2019 for substantiating the relief sought for in their representation, dated 28.09.2022. No prejudice would be caused to the respondents, if the petitioner's representation

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is considered on merits and in accordance with law, within the time frame to be fixed by this Court. Hence, this Court directs the first respondent to pass final orders on the second respondent's recommendation, which was submitted to the first respondent, based on the petitioner's representation, dated 28.09.2022 seeking to fill up the said posts of non-teaching staff, within a period of 12 weeks from the date of receipt of a copy of this order. While considering the said representation of the petitioner, the first respondent shall also consider the aforementioned decisions of this Court and the Honourable Supreme Court relied on by the learned counsel for the petitioner and decide as to whether the same is applicable to the case of the petitioner/College or not. With the aforesaid observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

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Speaking Order: Yes/no

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To

1. The Director of Collegiate Education,
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577, Anna Salai,
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2. The Regional Joint Director
of Collegiate Education,
Tirunelvelil Region,
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ABDUL QUDDHOSE, J

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