



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No. 1760 of 2022

S.Sujatha

... Petitioner

-Vs-

1. The Director of Collegiate Education,
DPI Campus,
Chennai - 600 006.
 2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 600 034.
 3. The Secretary,
Sri Devi Kumari Women's College,
Kuzhithurai and the Joint Commissioner / Executive Officer,
Incorporated and Unicorporated Devasam,
Susindram,
Kanniyakumari Distrct.
 4. Sri Devi Kumari Women's College,
Represented by its Principal,
Kuzhithurai,
Kanniyakumari District.
 5. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus challenging the impugned order of the third respondent vide R.C.No.129/2021(4) dated 15.06.2021 and to quash the same as illegal and consequently for a direction directing the third respondent to absorb the petitioner in the post of Junior Assistant in the fourth respondent College in the regular time scale of pay with effect from 02.03.2011 and with all consequential benefits by considering the petitioner's representation dated 06.07.2021 within a time frame.



For Petitioner : Mr.G.Anto Prince
For Respondents : Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader for R1, R2 and R5
Mr.K.Sathiya Singh for R3 and R4

O R D E R

WEB COPY This Writ Petition is filed as against the order of the third respondent passed in R.C.No.129/2021(4) dated 15.06.2021.

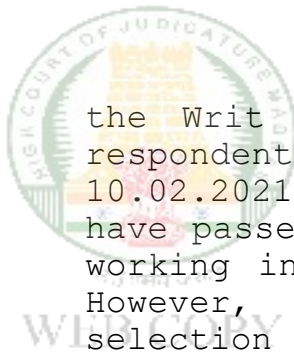
2. By the impugned order, the third respondent has rejected the request of the petitioner to absorb her in the post of Junior Assistant in the fourth respondent College in regular time scale of pay with effect from 02.03.2011.

3. The learned counsel for the petitioner submits that the petitioner was appointed as Junior Assistant in the fourth respondent College with effect from 02.03.2011 under the Self - Finance Scheme and she has been working as Junior Assistant for the past 10 years and three months, with unblemished record. At the time of appointment, the fourth respondent College has given oral assurance to the petitioner to appoint her as Junior Assistant in the regular post, as and when the vacancy arises. Hence, the petitioner has made several representations to the Authorities, but the same has not been considered. Therefore, the petitioner has filed a Writ Petition before this Court in W.P. (MD) No. 3428 of 2021 to absorb her in the post of Junior Assistant and the same was disposed by this Court on 23.02.2021 with a direction to the respondents 3 and 4 to consider the representation of the petitioner. However, the third respondent has passed the impugned order in a mechanical manner, without providing opportunity to the petitioner.

4. Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents submits that this is the second round of litigation with the very same relief and earlier, the petitioner has filed Writ Petition before this Court in W.P. (MD) No. 3428 of 2021, and the same was disposed by this Court on 23.02.2021 with a direction to the respondents to consider the representation of the petitioner. By considering the representation of the petitioner, the impugned order has been passed by the third respondent and there is no interference required with the impugned order. The petitioner is not having any legal right to regularize her services.

5. This Court paid its anxious consideration to the rival submissions made.

6. It appears that the petitioner was appointed as Junior Assistant under the Self - Finance Scheme in the fourth respondent College and she has sought regularization of her services in W.P. (MD) No. 3428 of 2021 before this Court. This Court, while disposing



the Writ Petition in W.P. (MD) No. 3428 of 2021, directed the respondents to consider the representation of the petitioner dated 10.02.2021. Complying with the order of this Court, the respondents have passed the impugned order on 15.06.2021. The petitioner who is working in self finance scheme cannot claim as a matter of right. However, the petitioner is at liberty to participate in the selection process to the post of Junior Assistant, as and when the third respondent is inclined to fill up the same in accordance with law.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

vji

To

1. The Director of Collegiate Education,
DPI Campus,
Chennai - 600 006.
 2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Chennai - 600 034.
 3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.
- +1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-3395[F] dated 01/02/2022)
- +1 CC to M/s.G.ANTO PRINCE, Advocate (SR-3477[F] dated 01/02/2022)

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SS(24/06/2022) 3P 6C