



W.P(MD)No.23083 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P(MD)No.23083 of 2015

and

M.P(MD)No.1 of 2015

V.Beulah

... Petitioner

Vs

1.The Directorate of Collegiate Education,
Chennai.

2.The Joint Director of Collegiate Education,
Tirunelveli.

3.The Secretary,
Sarah Tucker College (Autonomous),
Tirunelveli - 7.

4.The Principal,
Sarah Tucker College (Autonomous),
Tirunelveli - 7.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to approve the appointment of the petitioner as Assistant Professor in Mathematics in the third and fourth respondent College with effect from 02.12.2015.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.A.Kannan
Additional Government Pleader



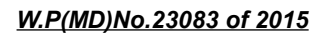
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WEB COPY

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, to direct the second respondent to approve the appointment of the petitioner as Assistant Professor in Mathematics in the third and fourth respondent College with effect from 02.12.2015.

2. Learned counsel appearing for the petitioner submitted that the petitioner completed Master of Science in Mathematics in the year 2000 and M.Phil degree in the year 2001. She passed the State Eligibility Test (SET) in the year 2012. The third respondent is a Minority Institution receiving Government aid. The post of Assistant Professor in Mathematics fell vacant in Sarah Tucker College (Autonomous), in which, the third respondent is the Secretary and the fourth respondent is the Principal. An advertisement was issued for selection of this post along with other posts. The petitioner applied for the post and got selected by the order of the third respondent, dated 02.12.2014 and was appointed as an Assistant Professor of Mathematics and she joined duty on 08.12.2014. The petitioner's educational qualification was approved by Manonmaniam Sundaranar University in the month of August, 2015. The third respondent forwarded the proposal for the approval



3. In reply, learned Additional Government Pleader appearing for the respondents submitted that this Court, by an order, dated 22.07.2015 in M.P(MD)No.1 of 2015 in W.P(MD)No.23083 of 2015 directed the second respondent to provisionally approve the appointment of the petitioner as Assistant Professor in the fourth respondent College and disburse the grant-in-aid towards her salary and allowances with effect from the date of her appointment. In compliance of the said interim order, the second respondent granted provisional approval of the petitioner's appointment subject to the outcome of this Writ Petition, by proceedings, dated 29.07.2016.

4. Considered the rival submissions and perused the records.

5. It is not in dispute that the petitioner was appointed as Assistant Professor in Mathematics against the sanctioned vacancy in the fourth respondent College. She was also granted provisional approval by the second respondent. The order granting provisional



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approval reads that provisional approval was given subject to the outcome of this Writ Petition. It was again reiterated in the communication, dated 08.09.2016 by the second respondent to the Secretary, namely, the third respondent. This communication indicates that the provisional approval granted to the petitioner is subject to the outcome of this Writ Petition and also the suit in O.S.No.71 of 2015 on the file of the learned Principal District Munsif, Tirunelveli.

6. It is now informed by the learned counsel appearing for the petitioner that the suit in O.S.No.71 of 2015 on the file of the learned Principal District Munsif, Tirunelveli, is nothing to do with this case and this petitioner is not a party to that suit and that suit was also ended in dismissal on 07.01.2021. There is no other valid reason for not granting permanent approval for the post of the petitioner. Therefore, the second respondent is directed to grant permanent approval on the proposal submitted by the third respondent for the appointment of the petitioner as Assistant Professor in Mathematics from the date of her appointment and disburse grant-in-aid towards her salary and allowances within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above observation, this Writ Petition is allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

29.07.2022

Internet :Yes
Index :Yes / No
ps

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Directorate of Collegiate Education,
Chennai.
- 2.The Joint Director of Collegiate Education,
Tirunelveli.
- 3.The Secretary,
Sarah Tucker College (Autonomous),
Tirunelveli - 7.
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G.CHANDRASEKHARAN, J.

ps

Order made in
W.P(MD)No.23083 of 2015

29.07.2022