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Rev.Appln.No.37 of 2023
in W.P.No.3315 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

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in W.P.No.3315 of 2019

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education
Fort St.George,
Chennai – 600 009.
 2. The Director of Collegiate Education,
College Road,
Chennai – 600 006.
 3. The Regional Joint Director of Collegiate Education,
Chennai Region, Chennai – 600 015.
 4. Tamil Nadu Teachers Education University,
Represented by its Registrar,
Lady Willingdon College Campus,
Chennai – 600 005.
- ... Petitioners/Respondents

-Vs-

The Principal and Secretary,
St.Christopher College of Education,
Vepery, Chennai – 600 007.

... Respondent/Petitioner



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Prayer : Review Application under Clause 47 Rule 1 of C.P.C r/w Section 114 of the CPC, to review the order passed in W.P.No.3315 of 2019 dated 19.02.2019 and allow the present review application.

For Petitioners : Mr.T.Arunkumar
Additional Government Pleader
For Respondent : Mr.Godson Swaminath
for M/s.Isaac Chambers

ORDER

This review application has been filed by the State of Tamil Nadu to review the order dated 19.02.2019 passed in W.P.No.3315 of 2019.

2. The review petitioners mainly contended that the appointment of one Mrs.Samuel Stella, who is not a party to the writ petition was not made as per the Government Orders. In the proposal, it has been stated that Mrs.Samuel Stella has been appointed in the vacancy caused by one Thilagarani Stevens in the subject Biological Science and she was appointed on 19.09.2018.

3. This Court passed an order allowing the writ petition by setting aside the impugned order passed by the competent authority. The review



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petitioners now stated that other discrepancies were found and which all are for the purpose of considering the case of said Mrs.Samuel Stella for grant of approval of appointment.

4. The review petitioners have referred to the Government Order issued in G.O.(Ms.)No.44, Labour and Employment (T2) Department, dated 11.03.2015 and accordingly, it is mandatory to issue advertisement in two prominent newspapers and it is relevant to extract the paragraph Nos.5 and 7 of the Government Order, which read thus:

“5. the “Hon'ble High Court has dismissed the Writ Appeal filed by the Director of Employment and Training, reiterating that posts should be filled up by issuing advertisement in atleast 2 newspapers out of which one must be in vernacular language having wide circulation in the respective State, apart from calling for list from the Employment Exchange in order to comply with Articles 14 and 16 of the Constitution of India and ordered that “Registry is directed to forward the copy of the judgment forthwith to the Chief Secretary to the Government of Tamil Nadu, who in turn directed to circulate the copy of the judgment to all the Secretaries of various departments, for strict compliance.”



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7. The Government have examined this issue in detail. After careful examination, the Government have decided to implement the judgment of the Hon'ble High Court in W.A.No.1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 (W.P.No.26162 of 2010 and M.P.No.1 of 2010). Accordingly all the Additional Chief Secretaries/Principal Secretaries/ Secretaries of the Department of Secretariat are directed to adhere to the judgment delivered in W.A.No.1027 of 2013 and M.P.No.1 of 2013 dated 09.06.2014 (W.P.No.26162 of 2010 and M.P.No.1 of 2010) while filling up the posts under their control.”

5. It is also submitted that the Director of Collegiate Education in his letter dated 26.04.2013 has also stated that aided colleges, when appointing persons to the post of Assistant Professors or Non-teaching staff should advertise in newspapers in addition to seeking sponsorship of candidates from employment exchanges.

6. It is submitted that the letter dated 26.04.2018 clearly says this advertisement procedure should be followed by the colleges including minority colleges. As such the procedure should be followed while resorting to the recruitment process.



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7. In respect of the above grounds raised in the present review application, this Court is of the considered opinion that the mandate procedures and requisite eligible criteria are to be scrupulously followed by the authorities while granting approval of appointment in respect of the appointments made.

8. The learned counsel appearing on behalf of the respondent/writ petitioner raised an objection by stating that the Government Order relied on by the review petitioners are not applicable as far as the respondent institutions/colleges are concerned.

9. However, the respondent is at liberty to submit their explanation/objection along with the documents, if any to the competent authorities elaborating the reasons for the purpose of considering their case. However, the High Court cannot ascertain the eligibility criteria and the procedures to be followed for the purpose of grant of approval.

10. This Court has considered the reasons stated for rejection and accordingly set aside the order and allowed the writ petition and that will



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not preclude the authorities from verifying the other eligibility criteria and the procedures that has to be followed for the purpose of considering the applications seeking approval of appointment. Thus, it is clarified that the review petitioners are at liberty to consider all the requisite procedures and mandatory criteria for the purpose of considering the applications submitted for grant of approval of appointment. However, if any objections are submitted by the respondent, that also shall be considered on merits and in accordance with law.

With these clarifications, this review application stands disposed of. No costs.

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Index : Yes
Speaking order: Yes
Neutral Citation: Yes
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S.M.SUBRAMANIAM, J.

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