



W.P.No.723 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM :

The Hon'ble MR.JUSTICE ABDUL QUDDHOSE

W.P. No.723 of 2023

C.Lilly Rose

.. 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, Madurai Region,
Madurai 625 002.
3. The Secretary/Correspondent,
V.V.Vanniaperumal College for Women,
Virudhunagar 626 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st respondent to approve the petitioner's promotion as Junior Assistant in the third respondent College in the promotion vacancy of Tmt.P.Vasuki with effect from 12.05.2022 in the light of the approval given by the first respondent to the similarly placed person, Mr.K.Angamuthu, vide his proceedings Na.Ka.No.4396/G4/2018 dated 08.07.2021 based on the order of this Court in W.P.(MD) No.12783 of 2017 dated 19.12.2018



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and W.A.No.9 of 2020 on 25.03.2021 and all other benefits based on the representation given by the petitioner dated 27.07.2022.

For Petitioner : Mr.E.Martin Jaya Kumar
For Respondents : Mr.D.Ravichander
Addl. Govt. Pleader
* * * * *

ORDER

The petitioner claims that Mr.K.Angamuthu, who was granted promotion to the post of Junior Assistant pursuant to the directions given by the Single Bench of Madurai Bench of this Court on 19.12.2018 in W.P. (MD) No.12783 of 2017, as confirmed by the Division Bench on 25.03.2021 in W.A.No.9 of 2020, is similarly placed to that of the petitioner. Therefore, according to the petitioner, she is also entitled for promotion to the post of Junior Assistant as was given to Mr.K.Angamuthu. The petitioner has given a representation on 27.07.2022 to the first respondent requesting the first respondent to approve the petitioner's promotion to the post of Junior Assistant in the third respondent College, in the promotion vacancy of Tmt.P.Vasuki with effect from 12.05.2022. Since the representation has not been considered till date, the petitioner has filed this writ



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petition.

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2. Heard Mr.E.Martin Jaya Kumar, learned counsel for the petitioner. Mr.D.Ravichander, learned Additional Government Pleader, accepts notice on behalf of the respondents.

3. At this stage, the learned Additional Government Pleader appearing for the respondents would submit that the entire cause of action arose only at Madurai and therefore, the Principal Seat does not have jurisdiction to entertain this writ petition. According to him, as per Rule 6(2) of the Madras High Court Writ Rules, 2021 as well as under Article 226(2) of the Constitution of India, the cause of action has arisen only at Madurai and therefore, the present writ petition filed before the Principal Seat is not maintainable.

4. However, learned counsel for the petitioner would submit that the representation was given by the petitioner only to the first respondent who is having his office at Chennai and therefore, part of the cause of action has arisen at Chennai. Hence, the present writ petition filed before the Principal Seat is maintainable.



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5. Since this Court is not issuing any positive direction in this writ petition, the question of jurisdiction is not decided by this Court at this stage. The petitioner only seeks for consideration of her representation seeking approval of her promotion to the post of Junior Assistant in the third respondent College on merits and in accordance with law. No prejudice would be caused to the respondents if the petitioner's representation dated 27.07.2022 seeking for the approval of her promotion to the post of Junior Assistant in the third respondent College is considered on merits and in accordance with law within a time frame to be fixed by this Court. The petitioner also claims that a similarly placed person by name Mr.K.Angamuthu was granted promotion pursuant to the order of the Single Bench dated 19.12.2018 passed in W.P. (MD) No.12783 of 2017 and confirmed by the Division Bench in the judgment dated 25.03.2021 in W.A.(MD) No.9 of 2020.

6. This Court is not expressing any opinion on the merits of the petitioner's representation. It is for the respondents to consider the petitioner's representation on merits and in accordance with law and to decide as to whether the aforementioned order of the Single Bench of



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the Madurai Bench of this Court and the judgment of the Division Bench confirming the order of the learned Single Judge are applicable to the case of the petitioner or not.

7. For the foregoing reasons, this Court directs the first and second respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 27.07.2022 seeking approval of the petitioner's promotion to the post of Junior Assistant in the third respondent College within a period of twelve weeks from the date of receipt of a copy of this order.

With the aforesaid direction, this writ petition is disposed of. No costs.

10.01.2023

Index : Yes/No

Speaking/non-speaking order

sra

To

1. The Director of Collegiate Education,
I.A.S.E. Campus, 577, Anna Salai,

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Saidapet, Chennai 600 015.

Abdul Quddhose, J.

(sra)

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