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Writ Petition No.1954 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1954 of 2023

&

W.M.P.No.2035 of 2023

N.Shree Rekha

... Petitioner

Vs.

- 1.The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Vellore Region, Vellore - 632 006.
- 3.The Registrar,
Thiruvalluvar University,
Serkkadu, Katpadi T.K.,
Vellore - 632 115.
- 4.The Secretary,
Auxilium College (Autonomous),
Gandhi Nagar, Vellore - 632 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents 1 to 3 to accord approval to the appointment of petitioner A.Shree Rekha, as Librarian in Auxilium College (Autonomous), Gandhi Nagar, Vellore - 632 006 and release salary, with all monetary and other service benefits w.e.f. 11.11.2020.



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For Petitioner : Fr.Xavier Arul Raj, Senior Counsel
for M/s.Father Xavier Associates

For Respondents : Mr.D.Ravichander
Special Government Pleader [R1 to R3]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing respondents 1 to 3 to accord approval for appointment of the petitioner as Librarian and release her salary and other monetary and service benefits with effect from 11.11.2020.

2. The case of the petitioner is that the fourth respondent College is an Aided Christian Minority College. An advertisement was issued for recruitment to the post of Professors and Assistant Professors including the post of Librarian. The petitioner applied for the said post and she was also called for an interview. The petitioner was ultimately selected and appointed as Librarian in the fourth respondent College through proceedings dated 11.11.2020.

3. Yet another participant, who also applied for the post of Librarian challenged the selection process by filing W.P.No.16823 of 2020 before this Court. The said writ petition was dismissed by this



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Court by order dated 09.01.2023 and for proper understanding, the relevant portion in the order is extracted hereunder:

"23. The other contentions raised by the petitioner is that she was not put on advance notice about the written examination and the oral interview to be conducted by the 1st respondent College. The petitioner has participated in both the written examination as well as in the oral interview conducted by the 1st respondent. Though she may contend that she has participated under protest, there is no iota of evidence in support of the said contention. The marks secured by the petitioner is much lesser than the marks secured by the 5th respondent. The petitioner has secured only 47 marks even after giving the grace marks of 10, on account of her catholic Christian community, whereas the 5th respondent has secured 53 marks even without any grace marks. Only based on merit, the 5th respondent has been appointed to the post of Librarian by the 1st respondent College. The 3rd respondent has also supported the case of the 1st respondent College. They have kept the proposal submitted by the 1st respondent seeking for appointment of the 5th respondent as a Librarian pending only due to the pendency of this writ petition, even though they have categorically stated that the selection procedure adopted by the 1st respondent was only in accordance with UGC Regulations, 2018."

4. The grievance of the petitioner is that the fourth respondent college has already forwarded the papers for approval of the appointment of the petitioner on 18.11.2020. That apart, the qualification of the petitioner has already been approved on 28.08.2020 and the stand taken by the fourth respondent College to this effect was also supported by the Department during the pendency of the earlier writ petition. Under such circumstances, the proposal for approval is kept pending and left with no



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other alternative, the present writ petition has been filed seeking for appropriate direction.

5. Heard Fr.Xavier Arul Raj, learned Senior Counsel appearing for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, appearing for the respondents 1 to 3.

6. In the considered view of this Court, on the dismissal of the writ petition filed by one A.Aroga Mary challenging the selection process, the selection of the petitioner has to be approved and it cannot be kept waiting endlessly. The petitioner had joined the fourth respondent College on 11.11.2020 and it is nearly more than two years since the approval is pending and the attendant benefits are yet to reach the petitioner. In view of the same, there shall be a direction to the second respondent to immediately deal with the file that has already been sent for approval by the fourth respondent College and pass necessary orders within a period of four (4) weeks from the date of receipt of a copy of this order.

Accordingly, this Writ Petition is disposed of with the above



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direction. No costs. Consequently, connected miscellaneous petition is closed.

25.01.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road, Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
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N.ANAND VENKATESH, J

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