



WEB COPY



W.P.No.17332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17332 of 2023

The Principal & Secretary,
St. Christopher's College of
Education, Vepery, Chennai-7.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-9.

2.The Director of Collegiate Education,
College Road, Chennai-6.

3.The Regional Joint Director of
Collegiate Education, Chennai
Region, Chennai-15.

4.Tamil Nadu Teachers Education
University rep.by its Registrar,
Gangaiamman Koil Street,
Karapakkam, Chennai-97.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent Joint Director to approve forthwith the appointment of Mrs.N.G. Jyothsna



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as Assistant Professor in English in the petitioner college with effect from the date of her appointment viz. 19.08.2020 and disburse the grant-in-aid towards her salary and allowances from the said date by considering the petitioner's proposal dated 30.09.2020 and the reminders dated 20.10.2022, 24.11.2022 and 08.03.2023.

For Petitioner : Ms.H.Mary Sowmi Rexi for
M/s.Isaac Chambers

For Respondents 1 to 3 : Mr.P.Baladhandayutham,
Special Government Pleader

ORDER

In view of the limited nature of the direction this Court proposes to issue, this Writ Petition is taken up for final disposal at the stage of admission itself without ordering notice to the fourth respondent.

2. The petitioner herein had given a proposal to the third respondent on 30.09.2020 seeking to approve the appointment of Mrs.N.G.Jyothsna as Assistant Professor in English. The petitioner also sent reminders dated 20.10.2022, 24.11.2022 and 08.03.2023 to the third respondent. Since the said proposal has not yet been considered, the above Writ Petition has been filed.



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3. It is needless to point out that whenever a proposal of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the proposal by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct him to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the third respondent herein, to consider the petitioner's proposal dated 30.09.2020 followed by the reminders dated 20.10.2022, 24.11.2022 and 08.03.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the third respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.



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No costs.

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Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

- 1.The Secretary to Government of Tamil Nadu,
Department of Higher Education,
Fort St.George, Chennai-9.
- 2.The Director of Collegiate Education,
College Road, Chennai-6.
- 3.The Regional Joint Director of
Collegiate Education, Chennai
Region, Chennai-15.
- 4.The Registrar, Tamil Nadu Teachers Education
University, Gangaianman Koil Street,
Karapakkam, Chennai-97.

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M.S.RAMESH,J.

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