



WEB COPY



W.P.No.18549 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Writ Petition No.18549 of 2023

1.S.Sunder

2.S.Murugammal

...Petitioners

Vs

1. The Director of Collegiate Education,
D.P.I Complex, College Road, Chennai-600 015.

2. The Joint Director of Collegiate Education,
Thirunelveli Region, Thirunelveli-627008.

3. The Correspondent/Secretary,
Nazareth Margoschis College,
Pillaiyanmani, Nazareth-628 617,
Thoothukudi District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to approve appointment of the 1st petitioner as Watchman and the 2nd petitioner as Gardener in the third respondent College from the date of appointment with all monetary and attendant service benefits including the arrears of salary with interest in par with the order passed by the 1st respondent in Na.Ka.No.15735/F4/2022 dated 09.11.2022.

For Petitioners : Mr.S.V.Karthikeyan

For Respondents : Mr.P.Gurunathan

AGP



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With consent of both parties, the main writ petition is taken up for final disposal.

2. The 1st petitioner herein has been appointed as Watchman and the 2nd petitioner has been appointed as Gardener in 3rd respondent college in the sanctioned vacancy. Since the posts in which the petitioners were appointed is eligible for grant of aid, the third respondent College have sent a proposal on 03.01.2013 and 26.11.2021 for approval of appointment and the same was not considered by the first respondent herein. The third respondent College have made reminders for approval of appointment of these petitioners along with three others in their communications and the 1st respondent by an order dated 09.11.2022 have approved appointment of three persons and no orders have been passed insofar as these petitioners are concerned. Hence these petitioners have filed the present writ petition.

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 the respondents 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



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dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the proposal dated 03.01.2013 and 26.11.2021 sent by the 3rd respondent College to approve the appointment of these petitioners on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after giving opportunity to all the concerned parties. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners and that it is open to the 1st respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
sr



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