



WEB COPY



W.P.No.35266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.35266 of 2023

1. Mrs.N.Mary Charli
2. Mr.A.Vijayakumar
3. Mr.G.Robin Theodar
4. Mrs.S.Ruth Stella
5. Mr.R.Solomon
6. Mr.S.Murugapandi
7. Mr.D.Moses Walker Samuel
8. Mr.M.Vaskline
9. Mr.A.George Kingsly
10. Mr.G.Jebastin
11. Mr.J.Samuel
12. Mr.S.Ponraj
13. Mrs.B.Jenifer Christy
14. Mrs.A.Monisha Celles
15. Mr.K.Kamaraj
16. Mrs.P.Hepzibai Ebenezer
17. Mr.M.Paramasivam
18. Mr.T.Ganesan

...Petitioners

Vs

1. The Government of Tamil Nadu
Represented by the Principal Secretary
Higher Education Department
Fort St.George
Chennai – 600 009



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2. The Director of Collegiate Education

I.A.S.E Campus

577, Anna Salai, Saidapet

Chennai – 600 015

3. The Regional Joint Director of Collegiate Education

Tirunelveli Region

Tirunelveli

4. The Secretary-cum-Correspondent

St.John's College

Palayankottai

Tirunelveli – 627 002

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing respondents to approve the appointment of the petitioners in the sanctioned 18 Group D Non-teaching posts vacancies from their date of appointment i.e., 27.10.2023 in the light of the order of this Court made in W.P (MD) No.1234 of 2014 dated 24.02.2015 in W.A (MD) No.931 of 2018 dated 12.07.2018 which has been confirmed by the Hon'ble Apex Court in SLP No.323 of 2019 dated 18.01.2019.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mrs.V.Yamuna Devi
Spl.Govt.Pleader for Respondents 1 to 3

Ms.S.Sharmila for R4



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in the present Writ Petition is for a direction to the respondents to approve appointment of the petitioners in sanctioned Group D non-teaching posts vacancies from their date of appointment i.e., 27.10.2023 in the light of the order of this Court made in W.P (MD) No.1234 of 2014 dated 24.02.2015 in W.A (MD) No.931 of 2018 dated 12.07.2018 which has been confirmed by the Hon'ble Apex Court in SLP No.323 of 2019 dated 18.01.2019. In this regard, a proposal has been sent by the fourth respondent college to the third respondent and the petitioners have also sent a representation on 08.11.2023. The details of proposal for the non-teaching vacancy posts are as follows:

<i>S.No.</i>	<i>Name & Posts</i>	<i>Appointment Date</i>	<i>Vacancy caused details</i>
1.	Mrs.N.Mary Charli, Office Assistant	27.10.2023	Vacancy arose due to retirement of



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S.No.	Name & Posts	Appointment Date	Vacancy caused details
			Mr.A.Chelliah
2.	Mr.A.Vijaya Kumar, Office Assistant	27.10.2023	Vacancy arose due to Transfer of Mr.Esakkimuthu.
3.	Mr.G. Robin Theoder, Office Assistant	27.10.2023	Vacancy arose due to promotion of Mr.R.Harrison
4.	Mrs.Ruth Stella, Office Assistant	27.10.2023	Vacancy arose due to retirement of Mr.K.Sundaram
5.	Mr.R.Solomon, Office Assistant	27.10.2023	Vacancy arose due to retirement of Mr.M.Savarimuthu
6.	Mr.S.Murugapandi, Sweeper	27.10.2023	Vacancy arose due to Death of Mr.S.Shunmugavel
7.	Mr.D.Moses Walker Samuel, Sweeper	27.10.2023	Vacancy arose due to Retirement of Mr.S.Masanam.
8.	Mr.M.Vaskline, Sweeper	27.10.2023	Vacancy arose due to retirement of Mr.P.Devaraj
9.	Mr.A.George Kingsly, Sweeper	27.10.2023	Vacancy arose due to promotion of Mr.A.Robinson
10.	Mr.Jebastin, Sweeper	27.10.2023	Vacancy arose due to promotion of Mr.V.Joseph Sahaya Clement
11.	Mr.J.Samuel,	27.10.2023	Vacancy arose due to



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S.No.	Name & Posts	Appointment Date	Vacancy caused details
	Watchman		promotion of Mr.T.Suresh Koilraj.
12.	Mr.S.Ponraj, Watchman	27.10.2023	Vacancy arose due to retirement of Mr.S.Mani.
13.	Mrs.B.Jenifer Christy, Gardener	27.10.2023	Vacancy arose due to promotion of Mrs.K.Josline Margrate
14.	Mrs.A.Monisha Celles, Gardener	27.10.2023	Vacancy arose due to promotion of Mr.A.John prince
15.	Mr.K.Kamaraj, Waterman	27.10.2023	Vacancy arose due to promotion of Mrs.A.Rebecca Jebakani.
16.	Mrs.P.Hepzibai Ebanazer, Waterwoman	27.10.2023	Vacancy arose due to Retirement of Mr.A.Somasundaram
17.	Mr.M.Paramasivam, Scavenger	27.10.2023	Vacancy arose due to death of Mr.C.Muniyandi
18.	Mr.T.Ganesan, Scavenger	27.10.2023	Vacancy arose due to death of Mr.M.Chinna Thambi.

3. This Court is of the view that such a proposal requires to be considered by the respondents and this Court may not be justified in stepping into the shoes of the official respondents to consider the same.



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Nevertheless, if the proposal of the fourth respondent is directed to be disposed of within a stipulated time, the ends of justice could be secured.

4. In the light of the above observation, the official respondents are directed to dispose of the proposal made by the fourth respondent college dated 02.11.2023, within a period of three months 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 claim made by the petitioners and it is open to the official respondents to consider it 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

gpa



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To
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Chennai – 600 009
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M.S.RAMESH,J.

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