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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.7223 of 2022
and
WMP(MD)Nos.5474 and 5477 of 2022

Dr.J.Rani Novalina Julius, Ph.D
Asst. Professor (Mathematics Department)
St.John's College, 18, Sakthi Nagar,
NGO 'A' Colony, Jawahar Nagar,
Tirunelveli - 627 007. ... Petitioner

Vs.

1. The Registrar
   Manomaniam Sundaranar University,
   Tirunelveli - 627 012.

2. The Director,
   Directorate of Collegiate Education,
   College Road, Chennai - 600 006.

3. The Joint Director of Collegiate Education,
   Pazhayapettai,
   Near Rani Anna Government Arts. College,
   Tirunelveli - 627 008.

4. The Hon'ble Administrators of Tirunelveli Diocese
   (Appointed by Hon'ble High Court, Madras)
   CSI Tirunelveli Diocese,
   Tirunelveli - 627 002.

5. The Secretary,

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St. John's College,
Palayamkottai,
Tirunelveli - 627 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 02.08.2021 Ref.No.MSU/R/CDC/A4/127/Q4/A.P/Doc Reg/2021 passed by the first respondent and quash the same and consequently direct the first respondent to grant qualification approval to the petitioner and also direct the respondent authorities 1 & 2 to grant all salary benefits to the petitioner from the date of joining i.e. 02.12.2020 as per the order of appointment dated 28.11.2020 for the post of Assistant Professor in the fifth respondent college as per the proceedings dated 11.09.2020 passed by the fourth respondent viz. the Hon'ble Administrators appointed by this Court for administering the affairs of the CSI Diocese of Tirunelveli including the fifth respondent college, within a time to be fixed by this Court.

For Petitioner : Mr.M.S.Suresh Kumar in all cases

For R1 : M/s.Ajmal Associates in all cases
For R2 & R3 : Mr.J.K.Jayaseelan,
Government Advocate in all cases
For R4 : Mr.Thangasivan in all cases
For R5 : Mr.Alwin Balan in all cases

ORDER

The petitioner has come up with this writ petition to quash the order dated 02.08.2021 passed by the first respondent and consequently, direct the first respondent to grant qualification approval to the petitioner

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and further direct the respondent authorities to grant all the benefits including salary payable to her, from the date of joining i.e. 02.12.2020 as per the order of appointment dated 28.11.2020 to the post of Assistant Professor in the fifth respondent college, pursuant to the proceedings dated 11.09.2020 passed by the fourth respondent / learned Administrators appointed by this Court, within a time to be fixed by this Court.

2. According to the petitioner, she was appointed as Assistant Professor in the fifth respondent college by the then management during the year 2008, along with others. Thereafter, the first respondent granted qualification approval to the petitioner vide proceedings dated 12.08.2008 and the same was processed by the respondents 2 & 3. While so, the appointment of the petitioner and similarly placed Assistant Professors were terminated by the subsequent management committee. Feeling aggrieved, they initiated legal proceedings before the High Court, which ultimately, ended against them, however, the Hon'ble Supreme Court ordered that the appointees of the year 2008, whose employment were terminated, will have to be considered by the management in fresh vacancies. When things stood thus, this Court vide order dated 05.08.2019 in W.P.(MD) No.21134 of 2017 etc. batch,

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appointed the fourth respondent / learned Administrators to look into the administration of the CSI Diocese of Tirunelveli. Thereafter, upon following due procedure, the selection committee issued appointment order dated 28.11.2020 to the petitioner and others. Pursuant to the same, the petitioner joined duty on 02.12.2020 and has been working continuously till date. Subsequently, the fifth respondent college approached the first respondent university during December 2020 for grant of qualification approval to the petitioner as well as similarly placed appointees. After repeated attempts, the first respondent passed the impugned order dated 02.08.2021 thereby informing that the proposal sent by the fifth respondent college for qualification approval of the petitioner and similarly placed persons could not be considered, as the selection committee was not constituted in accordance with the UGC norms. Hence, the petitioner is before this court with the present writ petition for the aforesaid relief.

3. Today, when the matter was taken up for consideration, the learned counsel appearing for the first respondent produced a copy of the communication dated 29.08.2023, wherein it is stated as follows:

"With reference to the above, I am by direction to inform that the proposal for Qualification Approval of Ms.J.Rani

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Novalina Julius, M.Sc., M.Phil., SET has been verified and approved as per the U.G.C. Regulations for an appointment as Assistant Professor in the Department of Mathematics with effect from 02.12.2020 F.N.

However, the appointment procedure and other terms have to be verified by the Director of Collegiate Education, Chennai / Regional Joint Director of Collegiate Education, Tirunelveli / Competent authority of Government."

4. In view of the subsequent development, this court directs the second respondent to consider the claim of the petitioner with regard to payment of salary and other benefits from the date of her appointment (i.e.) 02.12.2020 and pass appropriate orders, on merits and in accordance with law and also taking into account the communication of the first respondent dated 29.08.2023 as referred to above. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2023

Index : Yes/No
Internet : Yes/No
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R.MAHADEVAN, J.

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