



W.P(MD)No.6783 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6783 of 2023
and
W.M.P.(MD)No.6354 of 2023

The Secretary
Fatima College (Autonomous)
Mary Land, Madurai-625 018,
Madurai District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 3.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent Joint Director in Pa.Mu.No.3612/E2/2022, dated 08.11.2022 and the consequential proceeding in Oo.Mu.No.880/E3/2023, dated 30.01.2023 and



W.P(MD)No.6783 of 2023

quash the same and further direct the respondents 2 & 3 herein to approve forthwith the appointment of P.Palani Kumar as Lab Assistant in the petitioner's college and disburse the grant-in-aid towards his salary and allowances w.e.f the initial date of his appointment viz., 02.08.2013.

For Petitioner : Ms.A.Amala

For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner appointed one Palani Kumar as lab assistant with effect from 02.08.2013. According to the management, one Mary Clarabai who was working as lab assistant was promoted as typist with effect from 02.08.2013 and in the resulting vacancy, the said Palani Kumar was appointed.

3. The stand of the department was that the lab assistant cannot be promoted as typist and declined to approve the appointment of Mary Clarabai as typist. The said Mary Clarabai instituted writ proceedings and succeeded and finally, vide order dated 08.11.2022, the Joint



W.P(MD)No.6783 of 2023

Director of Collegiate Education, Madurai approved the appointment of Mary Clarabai as typist with effect from 02.08.2013. Therefore, as a matter of course and corollary, the appointment of Palani Kumar with effect from the said date will have to be necessarily approved.

4. In this view of the matter, the order impugned in the writ petition is set aside. The respondents are directed to approve the appointment of Palani Kumar as Lab Assistant in the writ petitioner college with effect from 02.08.2013 forthwith and without any delay. The proceedings shall be issued in this regard. The salary grant shall also be disbursed within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

02.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.6783 of 2023

G.R.SWAMINATHAN, J.

rmi

To

- 1.The Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 3.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai-625 002.

W.P(MD)No.6783 of 2023

02.06.2023