



W.P(MD)No.7563 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

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THE HONOURABLE MR.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.7563 of 2023 and
WMP(MD).No.7048 of 2023

The Secretary,
Dr.Zakir Husain College,
Ilayangudi – 630 702.

...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,
Madurai District – 625 002

4.The Registrar,
Alagappa University,
Karaikudi – 630 003

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus directing the 2nd and 3rd
respondents to disburse forthwith the salary and other benefits due to



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Mr.D.Dinesh Gold Gabriel, whose appointment as Assistant Professor in Tamil in the petitioner College w.e.f. 27.09.2021 has been approved by the 3rd respondent Joint Director in Pa.Mu.No.12358/E2/2022, 21.10.2022.

For Petitioner : Mr.Issac Mohanlal

Senior counsel for Mr.Thayumanasamy

For Respondents 1 to 3 : Mr.Ramesh Arumugam
Government Advocate

For 4th respondent : Mr. Cibi Chakkaravarthy

ORDER

This Writ Petition has been filed for issuing a direction to the 2nd and 3rd respondents to disburse forthwith the salary and other benefits due to Mr.D.Dinesh Gold Gabriel, whose appointment as Assistant Professor in Tamil in the petitioner's College w.e.f. 27.09.2021, has been approved by the 3rd respondent in Pa.Mu.No.12358/E2/2022, dated 21.10.2022.

2. The petitioner's college viz., Dr.Zakir Husain College is a recognized aided minority College. The 2nd respondent by its proceeding, dated 23.11.2018 gave sanction for revival of three posts of Assistant



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Professor in Tamil Department. However, no permission was granted to fill up the posts. Hence, the petitioner's college submitted a representation to the 2nd respondent on 23.10.2019 and 15.12.2020 respectively seeking permission to fill up three posts of Assistant Professor in Tamil Department. Since the same was not considered, the petitioner's college filed W.P(MD).No.6383 of 2021 before this Court seeking direction to consider the representation, dated 23.10.2019 and 15.12.2020. This Court, by its order, dated 22.03.2021 disposed that petition with a direction to the second respondent to pass appropriate orders on merits. In compliance of the order passed by this Court, the second respondent on 04.08.2021 gave permission to the college to fill up the three posts of Assistant Professor in Tamil Department. Based on the said permission, the petitioner's College in accordance with the recruitment process applicable to the minority institution had appointed one Mr.D.Dinesh Gold Gabriel, as Assistant Professor in Tamil with effect from 27.09.2021, vide proceeding No.3545/2021, dated 26.09.2021. The said appointment was against one post among the three for which the Director gave permission to fill up. The incumbent appointed possess full qualification as per the UGC Regulation of the said post.



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3. For the purpose of approval of his appointment and disbursement of grant-in-aid towards his salary the college submitted necessary proposal to the third respondent / Joint Director. The third respondent approved the appointment proceedings, dated 21.10.2022 with effect from 27.09.2021. Though the approval was granted, the salary is not disbursed till date. Despite the petitioner's approach repeatedly, the second respondent has not disbursed the salary and arrears and hence, this Writ Petition came to be filed.

4. The learned Government Advocate appearing for the respondents 1 to 3 has circulated the proceeding, dated 03.07.2023 issued by the 3rd respondent and submits that based on the above said proceeding for the purpose of disbursement of salary forthwith, it is necessary for them to notify the Government Order and only after which, the said exercise could be done. He has also submitted that for the said exercise, it will take minimum period of 16 weeks.

5. The learned Senior Counsel appearing for the petitioner vehemently contended that the appointee is continuously in service with effect from 27.09.2021 and he is serving without salary for more than two



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years. It is the urgent necessity that the respondents has to act upon and disburse the salary forthwith.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. This Court is of the considered opinion that the period of 16 weeks as sought before this Court is too long and hence, this Court is inclined to direct the respondents 2 and 3 to disburse the salary and other benefits of Mr.D.Dinesh Gold Gabriel, who is appointed as Assistant Professor in Tamil in the petitioner's College with effect from 27.09.2021 as approved by the third respondent by his proceeding, dated 21.10.2022, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

25.07.2023

Index : Yes / No
Internet : Yes/ No
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To

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Department of Higher Education,
Fort St. George,
Chennai – 600 009.
2. The Director of Collegiate Education,
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Chennai – 600 006.
3. The Joint Director of Collegiate Education,
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L.VICTORIA GOWRI, J.,

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