



W.P(MD)No.10630 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10630 of 2021

and

W.M.P.(MD)Nos.8278 and 8280 of 2021

A.Arul Raj

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Higher Education Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road, Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Palayamkottai – 627 002,
Tirunelveli District.
- 4.The Secretary,
St.Xavier's College (Autonomous),
Palayamkottai – 627 002,
Tirunelveli District.
- 5.A.Antony Raja

... Respondents



W.P(MD)No.10630 of 2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th respondent in Ref.No.1G-4/NTS/LA/24/2020 dated 02.03.2020 and the consequential order passed by the 2nd respondent in the proceedings in Na.Ka.No.16864/F4/2020 dated 26.02.2021 insofar as the petitioner is concerned and quash the same and direct the respondents to promote the petitioner as Junior Assistant from the date on which the 5th respondent was appointed i.e on 02.03.2020 with all consequential benefits including pay and allowances and continuity of service in the promoted post.

For Petitioner : Mr.V.Panner Selvam

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3.
Mr.Isaac Mohanlal, Senior Counsel,
For M/s.Isaac Chambers for R4 & R5.

ORDER

Heard the learned counsel on either side.

2.The fourth respondent is an aided minority college. The writ petitioner as well as the fifth respondent herein were appointed as Office Assistant / Mechanic respectively on 01.07.2016. Vacancy arose in the



W.P(MD)No.10630 of 2021

post of Laboratory Assistant on 02.03.2020. The management appointed the fifth respondent to the said post. Aggrieved by the same, the petitioner has filed this writ petition.

3.Before this writ petition was filed, the management had filed W.P.(MD)No.507 of 2019 for directing the Joint Director of Collegiate Education to approve the appointments of non-teaching staff which included the writ petitioner as well as the fifth respondent. The said writ petition was allowed on 23.04.2019. The authority however approved only the petitioner's appointment and not the fifth respondent as Mechanic. Even while prosecuting the issue, the fifth respondent came to be appointed as Laboratory Assistant on 02.03.2020 and the said appointment has since been approved also by the department also.

4.The learned senior counsel for the respondents 4 and 5 states that the pay scale of the post of Office Assistant is Rs.15,700/- – 50,000/-. Where as the pay scale for the post of Mechanic is Rs.19,500/- – 62,000/-. The post of Mechanic and the post of Laboratory Assistant are in the same pay scale.



W.P(MD)No.10630 of 2021

5.I am therefore of the view that the petitioner's grievances can very well be redressed without disturbing the fifth respondent. Admittedly, there is a vacancy in the post of Mechanic as on date. The petitioner can very well be appointed as Mechanic. The fourth respondent is directed to appoint the petitioner as Mechanic within a period of four weeks from the date of receipt of a copy of this order. The proposal shall be submitted immediately thereafter to the second respondent. The second respondent shall also approve the appointment. It is not in dispute that the petitioner is having the requisite qualification for being appointed as Mechanic. The petitioner will be entitled to all the benefits in the post of Mechanic from the date of his joining duty.

6.This writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

16.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.10630 of 2021

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To:-

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W.P(MD)No.10630 of 2021

G.R.SWAMINATHAN, J.

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**Pre-Delivery Order in
W.P(MD)No.10630 of 2021**

**16.06.2023
(2/2)**