



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 30.06.2023

Pronounced on : 03.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.18276 of 2020

and

WMP(MD)Nos.15258 of 2020 & 10752 of 2023

J.Meriton Manicka Selvam

... Petitioner

vs.

- 1.The Principal Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600009.
- 2.The Director, O/o. the Director of Collegiate Education,
College Road, Chennai – 600006.
- 3.The Regional Joint Director of Collegiate Education,
O/o. the Joint Director of Collegiate
Education, Tirunelveli – 627008.
- 4.The Chairman/ Moderator Commissary,
Tirunelveli Diocesan Trust Association
(TDTA) Colleges, Bishop Stowe,
No.17, North Ground Road, Palayamkottai,
Tirunelveli – 627002.



5.Sarah Tucker College (Autonomous),
Rep.by the Secretary,
Perumalpuram, Tirunelveli – 627007.

6.Sarah Tucker College (Autonomous),
Rep. by the Principal, Perumalpuram,
Tirunelveli – 627007.

7.St.Johns College,
Rep.By the Secretary, Tirunelveli – 627002.

8.St.Johns College,
Rep. by the Principal, Tirunelveli – 627002.

9.Mr.P.Raja Premkumar

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus by calling for the records pertaining to the order of appointment dated 14.12.2017 issued by the 7th respondent in favor of the 9th respondent in the post of Library Assistant in St.John's College, Tirunelveli as well as the consequential order of approval made by the 3rd respondent in Pa.Mu.No.3599/Aa3/2019-4 dated 13.12.2019 and quash the same and consequentially direct the respondents 5 and 7 to promote the petitioner as Library Assistant with retrospective effect by determining the petitioner's commencement of service in the post of Library Assistant based on the petitioner's seniority with all monetary and consequential service benefits.

(Prayer amended vide court order dated 03.10.2023).



WEB COPY

For petitioner : Mr.R.Anand

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3

Mr.P.P.Alwin Balan for R5 & R6

Mr.H.Arumugam for R7 & R8

Mr.S.Chellapandian for R9

ORDER

The petitioner was appointed as Office Assistant on 25.10.2016 by the college management. When vacancy arose in the post of Library Assistant, the management appointed the ninth respondent on 14.12.2017. It was also approved by the third respondent on 13.12.2019. Assailing the said proceedings, this present writ petition came to be filed.

2.The learned counsel for the petitioner pointed out that there has been a breach of the mandate set out in Rule 11(4)(i) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976. The learned counsel for the petitioner's contention is quite sound. But then, the petitioner was not even eligible for being considered for promotion on 14.12.2017. The probation period for non-teaching staff is two years. The petitioner was appointed on 25.10.2016. He has completed probation on 06.08.2019. When the ninth respondent was



appointed on 14.12.2017, the petitioner's probation period was not completed.

Therefore, the ninth respondent was appointed. It is for this reason, I hold that the petitioner lacks the *locus standi* to challenge the impugned proceedings. The learned counsel for the petitioner states that on account of the pendency of the litigation, the salary of the ninth respondent was not released. The department is directed to release the salary arrears of the ninth respondent from the date of his appointment.

3.This writ petition is dismissed. Connected miscellaneous petitions are also dismissed.

03.10.2023

Index : Yes / No

Internet : Yes/ No

skm

Issue order copy on 05.10.2023

To

- 1.The Principal Secretary to Government,
Higher Educational Department,
Fort St. George, Chennai – 600009.
- 2.The Director, O/o. the Director of Collegiate Education,
College Road, Chennai – 600006.
- 3.The Regional Joint Director of Collegiate Education,
O/o. the Joint Director of Collegiate
Education, Tirunelveli – 627008.



WEB COPY



G.R.SWAMINATHAN, J.

skm

**WP(MD)No.18276 of 2020
and
WMP(MD)Nos.15258 of 2020 & 10752 of 2023**

03.10.2023