



W.P.(MD).No.18682 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.18682 of 2019

and

W.M.P(MD)Nos.15060 & 15061 of 2019

R.Sindhu

... Petitioner

Vs.

1.The Commissioner/Director,
The Directorate of Technical Education,
Guindy, Chennai-600 025.

3.The Secretary,
N.M.S Kamaraj Polytechnic College,
Pazhavilai-629 501,
Kanyakumari District.

... 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 1st respondent in Letter No.47540/C2/2015 dated 22.11.2018 quash the same and further direct the 1st respondent Commissioner to approve forthwith the appointment of petitioner as Assistant in 2nd respondent College namely, N.M.S.Kamaraj Polytechnic College w.e.f., the date of her appointment viz., 19.11.2015 with all attendant benefits including the arrears of salary and allowance, in pursuant to



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the selection process held on 18.11.2015.

For Petitioner : Mr.Isaac Mohanlal
Standing Counsel
for M/s.Isaac Chambers

For R1 : Mr.D.Sadiq Raja
Additional Government Pleader

For R2 : Mr.N.Dilip Kumar

ORDER

This petition has been filed to quash the impugned order, dated 22.11.2018, wherein the respondents have rejected to grant approval for the selection of the writ petitioner.

2. The reasons stated in the impugned order is that the petitioner is not having sufficient experience to the said post. The qualification that is prescribed is that an approved probationer in the category of Junior Assistant (L.D.C) or 3 years experience as Junior Assistant (L.D.C) with a good record of service in a Technical Educational institution and must have passed the Account Test for Subordinate Officers part – I.



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3. The contention of the respondent is that the petitioner has not served in an aided post. But on verifying the rules, it is seen that the rule is not prescribing that the service should be rendered in the aided post alone. It only says the petitioner should have rendered in the said post. Therefore, the reasons stated by the respondent is absolutely invalid, illegal and arbitrary.

4. Therefore, this Court quashes the impugned order, dated 22.11.2018. Consequently, the 1st respondent is directed to grant approval to the petitioner with a consequential service and attendant benefits from the date of appointment. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above said directions, this Writ Petition stands Allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.01.2023

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

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To

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S.SRIMATHY, J.

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