



W.P.(MD).Nos.13906 of 2018 and 14806 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).Nos.13906 of 2018 and 14806 of 2022
and
W.M.P.(MD).Nos.12628, 12629 of 2018
and 10592 of 2022**

W.P.(MD).No.13906 of 2018:

Dr.Mrs.B.Bala Parameswari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 006.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Madurai Region, Madurai,
Madurai District – 620 020.
- 4.The Secretary,
Fatima College (Autonomous),
Mary Land Madurai – 625 018,
Madurai District.



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5.Dr.Sr.M.Francisca Flora,
Secretary,
Fatima College (Autonomous),
Madurai – 625 018.

6.The Principal,
Fatima College (Autonomous),
Mary Land Madurai – 625 018,
Madurai District.

7.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai – 625 021.

... 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 pertaining to the impugned order in Ref.No.75/2017-2018 dated 18.04.2018 on the file of fourth respondent and quash the same as illegal and consequently directing the fourth and sixth respondent to reinstate the petitioner as Assistant Professor in the respondent College, pay the arrears of salary to the petitioner as per UGC norms from the date of appointment and to pay a compensation to the petitioner.

For Petitioner : Mr.G.Karthik,
For M/s.Lajapathi Roy & Associates.

For R-1 to R-3 : Mr.V.Omprakash,
Government Advocate.

For R-4 to R-6 : M/s.A.Amala,
For M/s.Isaac Chambers.



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W.P.(MD).No.14806 of 2022:

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

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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,
Palam Station Road,
Madurai District – 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 of Collegiate Education in Oo.Mu.No.5154/E3/2020 dated 16.07.2021, quash the same and further direct the respondents herein to approve forthwith the appointment of Dr.Mrs.W.Shyamala as Assistant Professors in the Department of History in the petitioner's College and disburse the grant-in-aid towards her salary and allowances w.e.f., the date of her appointment i.e., 18.06.2018.



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For Petitioner : M/s.A.Amala
For R-1 to R-3 : Mr.V.Omprakash,
Government Advocate.

COMMON ORDER

Since there are common issues in both the Writ Petitions, the same are taken up together and a common order is passed.

2. The Writ Petition in W.P.(MD)No.13906 of 2018 is filed by B.Balaparameswari to quash the order dated 18.04.2018 with a consequential direction to reinstate the petitioner as Assistant Professor and grant continuity of service with monetary benefits. The petitioner joined the respondent College service on 16.06.2016 in the retirement vacancy and was continued the service until 18.04.2018. Thereafter, the petitioner submitted a resignation letter dated 11.04.2018, wherein she has stated that her husband was transferred to Chennai and based on the family circumstances, she is unable to continue her work. Hence, she submits resignation letter. Based on the resignation letter, the respondent College issued relieving impugned order dated 18.04.2018. After



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lapse of two months, the petitioner has given a complaint that the petitioner was forced to submit a resignation letter and the respondent College relieved the petitioner. The petitioner has also submitted a compliant to the official respondents. Pending Writ Petition, an enquiry was conducted by the official respondents. Subsequently, the petitioner has submitted letter dated 06.08.2020, based on the enquiry, the respondent College has agreed to take adequate steps to disburse the salary from 16.06.2016 to 11.04.2018 to the petitioner. She also stated in the letter that in case if the College has taken steps and disburse the salary for the said period, then she would withdraw the police complaint and also the Writ Petition filed in W.P.(MD)No.13906 of 2018. For better appreciation, the said letter is extracted as such:



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Dr. பா. பாலபிரமேஸ்வரி M.A., M.Phil., Ph.D.,
No. 3/18, ஜீவா நகர்
இந்திரா நகர்
ஸ்ரீவில்லிபுத்தூர் - 626 125

பெற்றுநர்

காவல் உதவி ஆணையர்
(சட்டம் ஒழுங்கு)
தல்லாகுளம்
மதுரை

ஐயா,

நான் மதுரை பாத்திமா கல்லூரியில் கடந்த 16.6.2016 தேதி உதவிபேராசிரியராக நிரந்தரபணியிடத்திற்கு உதவிபேராசிரியராக பணி நியமனம் செய்யப்பட்டு வரலாற்றுத்துறையில் உதவிபேராசிரியராக பணி செய்து வந்தேன். என்ன உள்நோக்கத்துடன் அரசு உதவி பெறும் பணியிடத்திற்குரிய சம்பளம் பெற்றுத்தராமல் கடந்த 11.04.2018 அன்று கல்லூரி செயலர் Sr. M. பிரான்சிஸ்கா புளோரா மற்றும் முதல்வர் Sr. G. செலின் சகாய மேரி சேர்ந்து மிரட்டி என்னிடம் இராஜினாமா கடிதம் எழுதி வாங்கிக் கொண்டு வேலையை விட்டு நீக்கி விட்டனர். இது குறித்து 14.6.2018 தேதி மதுரை மாநகர் செல்லுர் காவல் நிலையத்தில் புகார் மனு அளித்தேன். எனது மனு மீது எந்த நடவடிக்கையும் எடுக்கப்படவில்லை. எனவே நான் மதுரை மாநகர் காவல் ஆணையருக்கும் மாண்புமிகு முதல் அமைச்சரின் தனிப்பிரிவுக்கும் 6.1.2020 அன்று புகார் மனு அனுப்பியிருந்தேன். அந்த மனு மீது விசாரணை தல்லாகுளம் உதவி ஆணையர், சட்டம் ஒழுங்கு அவர்களால் நடத்தப்பட்டது. கல்லூரி செயலரும், கல்லூரி முதல்வரும் நான் அரசு உதவி பெறும் பணியில் பணியாற்றிய காலம் 16.6.2016 முதல் 11.4.2018 வரை எனக்கு அரசு சம்பளம் பெற்று தருவதாக விசாரணையில் 4.2.2020 அன்று எழுதி கொடுத்துள்ளனர்.



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எனக்கு அது உதவி பெறும் பணிமிடத்திற்குரிய ஊதியக் மற்றும் இதர படிக்கப் பெற்று வழங்கினால் ஏற்று புகார் மனு மற்றும் நீதிமன்ற வழக்கை வாபஸ் பெற்றுக்கொள்கிறேன் என தெரிவித்துக் கொள்கிறேன்.

இடம்: ஸ்ரீவில்லிபுத்தூர்

நாள்: 6.8.2020

தங்கள் உண்மையுள்ள

-sd-

(பா. பாலபரமேஸ்வரி)

நகல்

முதல்வர் / செயலாளர்
பாத்திமா கல்ஹரி
மதுரை.

3. Therefore this Court is of the considered opinion that the appointment of the petitioner namely, Balaparameswari ought to be approved. Hence, this Court directs the 3rd respondent to approve the appointment of the petitioner for a period from 16.06.2016 to 11.04.2018 and disburse the salary for the said period within a period of eight (8) weeks from the date of receipt of a copy of this order.



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4. With the above direction, the Writ Petition in W.P.(MD).No.13906 of 2018 is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

5. Similarly, the other Writ Petition in W.P.(MD)No.14806 of 2022 was filed by the respondent College seeking approval of appointment of one Dr.Mrs. W.Shyamala. The College subsequently recruited one Dr.Mrs.W.Shyamala due to the resignation of one Balaparameswari and approached the respondents to approve her appointment. However, the claim of the respondent College was rejected through impugned order dated 16.07.2021 stating that the approval was not granted for the reason that one Balaparameswari has filed Writ Petition in W.P.(MD)No.13906 of 2018 which is pending before this Court.

6. Since this Court disposed of the Balaparameswari case in W.P.(MD)No.13906 of 2018 with the above direction, the respondents are directed to consider and pass orders with regard to the appointment of



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W.Shyamala in accordance to law. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition in W.P.(MD)No.14806 of 2022 is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.04.2023

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



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S.SRIMATHY, J.

Nsr

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