



W.P.(MD).No.20273 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20273 of 2023

and

W.M.P(MD)No.16727 of 2023

C.L.Jeba Melvin

... Petitioner

Vs.

- 1.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli District.
- 3.C.S.I. Kanyakumari Diocese,
Represented by the Bishop,
71-A, Dennis Street,
Nagercoil-629 001.
- 4.The Convener,
Employment Bureau,
C.S.I. Kanyakumari Diocese,
71-A, Dennis Street,
Nagercoil-629 001.
- 5.The Administrative Secretary,
C.S.I. Kanyakumari Diocese,
71-A, Dennis Street,
Nagercoil-629 001.



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6. The Secretary cum Correspondent,
Nesamony Memorial Christian College,
Marthandam, Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner for appointment to the post of Assistant Professor in the Department of Commerce in the 6th respondent college in any of the two available vacancies that arouse due to the retirement of C.Jaya Ananth (31.07.2022) and Dr.Mabel Sulochana (31.05.2023).

For Petitioner : Mr.V.Cibi Chakraborty

For R-1 & R-2 : Mr.N.Ramesh Arumugam
Government Advocate

For R-3 : Mr.F.Deepak

For R-4 & R-5 : Mr.H.Arumugam

For R-6 : Mr.S.Alwin Balan

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner for appointment to the post of Assistant Professor in the Department of Commerce in the 6th respondent college in any of the two available vacancies that arose due to the retirement of C.Jaya Ananth (31.07.2022) and Dr.Mabel Sulochana (31.05.2023).



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2. By consent of both the parties, this writ petition is taken up for final disposal.

3. The petitioner was appointed in the sixth respondent College in the Self-Finance Department of Management studies on 18.09.2003 and he joined duty on 19.09.2003. He has also passed the State Eligibility Test (SET) in Business Management in the year 2012 and the State Eligibility Test in Commerce subject in the year 2016. However, his grievance is specifically to that effect that the Diocesan Employment Bureau (DEB) came to be established only in the year 2011, that is, almost after seven years from the date of his appointment. As a result of which, he was not able to register his name in the said Bureau. Hence, when two vacancies have arisen in the Department of Commerce, the petitioner is anticipating that his case may not be considered for interchanging his employment from self-financing stream to the aided stream of Commerce Department.

4. That apart, the petitioner also seeks parity with one O.Reegan, whose case was also considered by interchanging him from a self-financing stream to



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the aided Department and was appointed to the post of Assistant Professor in History. Hence, this writ petition came to be filed.

5. Per contra, the learned Counsels for the respondents 3 to 6 submitted that the respondent's case will be considered in terms of the Diocese rules and regulations and if his name prevails in the seniority ranking, he will be certainly be provided with an appointment as per norms and his candidature will also be considered. However, it is important to mention that he got qualified to be appointed in the post of Assistant Professor in Commerce only in the year of 2016 and there had been no bar for him to get enrolled in the DEB, which was maintained by the respondent and hence, on that guise, he cannot seek parity with O.Reegan and certainly the respondents are directed to consider his candidature in accordance with rules and regulations of Diocese and considering the prolonged experience and contribution of the petitioner in the sixth respondent College, this Court is inclined to observe that the respondents give importance to his experience and consider him in parity with O.Reegan if norms applicable. The respondents may also consider the minutes of the special meeting of the Administrative Committee held on 16.06.2016 in the Bishops Chamber while considering the case of the petitioner.



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6. This writ petition stands disposed of, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

To

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L.VICTORIA GOWRI, J.

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