



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Under Clause 15 of Letter Patent)

Thursday, the Sixth day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

AND

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WA(MD). No.1328 of 2022

The Commissioner  
Directorate of Technical Education,  
53 , Sardhar Patel Road,  
Guindy ,  
Chennai - 600 025.

... Appellant/1<sup>st</sup> Respondent

Vs

1 Kanagaraj,  
S/o.K.Thangasamy ,  
Pazhavilai Post,  
Kanyakumari District.

...Respondent/Petitioner

2 The Correspondent,  
Nadar Maharajan Sangam  
Kamaraj Polytechnic College,  
Pazhavalai ,  
Kanyakumari District.

... Respondent/2<sup>nd</sup> Respondent

Prayer :-

Writ appeal filed under clause 15 of letters patent, to prefer this memorandum of grounds of writ appeal against the order dated 05-04-2022 made in WP(MD).No. 2291 of 2015 petition filed under Article 226 of constitution of india praying to issue a writ of certiorified mandamus to call for the records in Memo.No.56728/C2/2011 dt.22/01/2015 and quash the same as illegal and further to direct the 1<sup>st</sup> respondent to approve the petitioner is promotion proposal dt.23.06.2014.

ORDER:- This Writ Appeal Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.Veerakathiravan, Advocate General, Assisted by Mr.D.Sadiq Raja, Additional



Govt.Pleader for the Petitioner and of Mr.S.Chell. 1, Advocate for the first respondent, and Mr.N.Dilipkumar, Advocate for the second respondent. this Court made the following order:

**[Judgment of the Court was made by R.SUBRAMANIAN, J.]**

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Being aggrieved by the order of the Writ Court, dated 05.04.2022 made in W.P(MD)No.2291 of 2015, the State is on appeal.

2. Heard Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the appellant.

3. We are convinced that there is no merit in this writ appeal. The only stand that is taken by the Government that the promotions have not been authorized by the Staff Selection Committee because of the dispute in the management and the management not constituting the Selection Committee.

4. When teaching staff of the very same Institute were denied promotion on the very same ground, the same was challenged in W.P.No.9111 of 1997 and the said writ petition was allowed directing the respondents to consider the claim of the teaching staff for promotion.

5. Aggrieved by the said order, the Government filed an appeal in W.A.No.207 of 2002 and the same was dismissed by the Division Bench of this Court on 01.06.2007. Pursuant to such judgment, the Government had approved all the promotions without insisting on the procedure contemplated under G.O.Ms.No.1282 dated 26.07.1967.

6. The learned single Judge has only followed the judgment of the Division Bench of this Court. We do not see any reason to adopt a different view. Hence, we dismiss the writ appeal with costs of Rs.2,00,000/- (Rupees Two Lakhs Only) payable to the Cancer Institute, Adyar, Chennai, within a period of fifteen days from today.

7. List the writ appeal for reporting compliance on **24.04.2023**.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/04/2023

Sub Assistant Registrar(CS)



TO

- 1 The Commissioner  
Directorate of Technical Education,  
53, Sardhar Patel Road,  
Guindy,  
Chennai - 600 025.
- 2 The Registrar General,  
High Court, Madras.
- 3 The Additional Registrar General,  
Madurai Bench of Madras High Court,  
Madurai.
4. The Officer Incharge,  
Cancer Institute,  
Adyar, Chennai.
5. The Section Officer,  
Accounts Section,  
Madurai Bench of Madras High Court,  
Madurai.
6. The Section Officer,  
Judicial Section,  
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 06/04/2023

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Order

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WA(MD) . No.1328 of 2022

SI/(19.04.2023) 3P/ 7C