



W.P.(MD).No.22358 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22358 of 2023

P.Rachel Annie Kirupanidhi

... 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.The Secretary,
Sarah Tucker College (Autonomous),
Tirunelveli-627 007.

... 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 grant approval forthwith to the petitioner as Assistant Professor in the Department of English in the 3rd respondent College with effect from 02.12.2020 and disburse the grant in aid towards the salary, allowances and all attendant benefits with effect from the date of the petitioner's original appointment viz. 02.12.2020 by considering the representation of the petitioner,



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dated 05.07.2023 and the proposal of the college dated 26.07.2023 resubmitted to the 2nd respondent Joint Director.

For Petitioner : Mr.T.Cibichakraborty

For R1 & R2 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents to grant approval forthwith to the petitioner as Assistant Professor in the Department of English in the 3rd respondent College with effect from 02.12.2020 and disburse the grant in aid towards the salary, allowances and all attendant benefits with effect from the date of the petitioner's original appointment viz. 02.12.2020 by considering the representation of the petitioner, dated 05.07.2023 and the proposal of the college dated 26.07.2023 resubmitted to the 2nd respondent Joint Director.

2. The petitioner is now working as Assistant Professor in the Department of English in the 3rd respondent college. The petitioner was appointed in the post of Assistant Professor in English with effect from 02.12.2020 in a vacancy which arose due to the retirement of one Jessica



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Selwyn. The 3rd respondent college submitted a proposal to the 2nd respondent for getting approval of the petitioner's appointment vide letter, dated 19.04.2023. The said proposal was returned by the 2nd respondent vide letter, dated 28.04.2023 citing 18 queries. All those queries were duly rectified and thereafter, the said proposal was resubmitted before the 2nd respondent on 19.06.2023 by the 3rd respondent college. That was further returned on 12.07.2023 by the 2nd respondent seeking explanation as to why the Principal of the College has affixed the signature in the agreement Form 7A instead of Secretary of the College. The 3rd respondent college submitted its explanation vide letter, dated 26.07.2023 stating that the secretaryship approval was pending before the Director of Collegiate Education on the date of petitioner's appointment and only by proceedings, dated 26.02.2021, the approval was granted to the Secretary for the period between 24.11.2020 and 23.11.2021 and hence, the Principal of the college was constrained to sign Form 7A. In furtherance to that, the College also requested the 2nd respondent to grant appointment approval to the petitioner with effect from 02.12.2020. Despite the same, the proposal seeking approval of the petitioner's appointment is kept pending.



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3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. The learned Government Advocate by instructions, dated 13.09.2023 submitted that unless and until Form 7A has been submitted along with the signature of the Secretary, the proposal could not be considered in view of the directives of the 1st respondent.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 & 2 and considering the limited scope of the relief sought for by the petitioner, issuance of notice to the 3rd respondent is dispensed with.

6. Recording the submission made by the learned Government Advocate, this Court direct the 3rd respondent to resubmit the Form 7A with a signature of the Secretary of the college and forward the same to the 2nd respondent within a



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period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, thereafter, the 2nd respondent is further directed to forward the same for appropriate action before the 1st respondent within a period of four (4) weeks thereafter and pass appropriate orders in accordance with law.

7. With the above said observations, this Writ Petition stands allowed.

No costs.

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NCC : No
Index : No
Internet : No
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To

- 1.The Director of Collegiate Education,
College Road, Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District.
- 3.The Secretary,
Sarah Tucker College (Autonomous),
Tirunelveli-627 007.



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L.VICTORIA GOWRI, J.

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