



W.P(MD)No.29116 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29116 of 2023
and
W.M.P(MD)No.25166 of 2023

S.Maheswari

... 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,
Madurai Region, Palam Station Road,
Madurai-625 002.
- 4.The Secretary,
Sree Sevugan Annamalai College,
Devakottai-630 303,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent



W.P(MD)No.29116 of 2023

Joint Director of Collegiate Education in O.Mu.No.9879/O3/2023, dated 10.10.2023, quash the same, and further direct the second and third respondents herein to approve forthwith the promotion of petitioner as Typist in the fourth respondent's College and disburse the grant-in-aid towards her salaries with effect from 21.06.2023 with all attendant benefits.

For Petitioner : M/s.A.Amala

For R-1 to R-3 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a Lab Assistant working in an aided College challenging the order of rejection of approval for her promotion.

2. The petitioner herein who was working as a Lab Assistant was promoted as a Typist on 21.06.2023. The said promotion order was forwarded to the authorities for their approval. Under the impugned order, dated 10.10.2023 the authorities have rejected the said promotion order citing a Government letter, dated 14.08.2013 and another communication issued by the Director of Collegiate Education on 18.09.2013. A perusal of those two



W.P(MD)No.29116 of 2023

proceedings indicate that they have nothing to do with the private aided Colleges.

3. The said issue which arises in the writ petition is already covered by the Hon'ble Division Bench judgment of this Court in ***W.A(MD)Nos.114 and 9 of 2020, dated 25.03.2021 [The State of Tamil Nadu, Represented by its Secretary and Others Vs. The Secretary, Fatima College (Autonomous), Mary Land, Madurai-625 018]***. The order of the Hon'ble Division Bench of this Court has been complied with by the Director of Collegiate Education by his proceedings, dated 04.08.2021. The learned Single Judge of this Court in a batch of writ petitions in ***W.P(MD)Nos.1712 of 2015 etc., dated 14.06.2023 [C.Thavamani Vs. The Director of Collegiate Education and Others]*** has followed the Hon'ble Division Bench judgment of this Court. Therefore, it is clear that there is no bar for promoting a Lab Assistant as a Typist.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The matter is remitted back to the file of the third respondent to pass fresh orders in accordance with the Hon'ble Division Bench judgment of



W.P(MD)No.29116 of 2023

this Court in W.A(MD)Nos.114 and 9 of 2020 within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

08.12.2023

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

To

- 1.The Secretary,
The State of Tamil Nadu,
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,
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W.P(MD)No.29116 of 2023

R.VIJAYAKUMAR, J.

BTR

W.P(MD)No.29116 of 2023

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