



W.P.(MD).No.262 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.262 of 2024

D.Ponrani

... Petitioner

Vs

1. The Secretary to Government,
Department Higher Education,
St. George Fort, Chennai.
2. The Director of College Education,
D.P.I.Compound, College Road,
Chennai.
3. The Regional Director of College Education,
Tirunelveli District, Tirunelveli.
4. The Correspondent,
Sarah Thucker College,
Palayamkottai,
Tirunelveli District.
5. The Principal,
Sarah Thucker College,
Palayamkottai, Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd and 4th respondents to forthwith sent the proposal for disbursing the yearly increment, Earned Leave, etc and such other benefits along with the proposal for promotion to the post of Assistant professor (Senior scale) to the petitioner and consequently on receipt of such proposal from the 4th respondent, direct the respondents 1 to 3 to disburse the yearly increment, Earned Leave etc and such other benefits, further to grant approval for promotion of petitioner as Assistant professor (Senior Scale) and confer all other service and monetary benefits within a stipulated period fixed by this Court.

For Petitioner : Mr. S.Chellapandian

For Respondents : Mr.N.Ramesh Arumugam (R1-R3)
Government Advocate

Mr.Alwin Balan (R4)

ORDER

The present writ petition has been filed seeking a direction to the the 3rd and 4th respondents to forthwith sent the proposal for disbursing the yearly increment, Earned Leave, etc and such other benefits along with the proposal for promotion to the post of Assistant professor (Senior scale) to the petitioner and consequently on receipt of such proposal from the 4th respondent, direct the respondents 1 to 3 to disburse the yearly increment, Earned Leave etc and such other benefits, further to grant approval for promotion of petitioner as



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Assistant professor (Senior Scale) and confer all other service and monetary benefits within a stipulated period fixed by this Court.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited relief sought for by the petitioner, notice to the fifth respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 3 and the learned Counsel appearing for the fourth respondent. Perused the materials on record.

4.The petitioner was posted as Assistant Professor in the fourth respondent College due to the retirement of Ms.V.Rajalakshmi. The petitioner applied for the said post and she was selected and appointed as Assistant Professor at 4th respondent College on 04.10.2017. The fourth respondent College is a minority aided institution. All the certificates belonging to the petitioner including Form 7(A) specified under Rule 11(2)(i) of Tamil Nadu Private Colleges Regulation Rules were forwarded to the second respondent



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through the third respondent by the fourth respondent College on 17.07.2018.

The petitioner's appointment was a sanctioned post as fixed by the second respondent. Her post was approved by proceedings, dated 05.04.2019. Pursuant to the approval granted by the respondents 1 to 3, the fourth respondent forwarded the claim of salary and arrears were duly released by the respondents 1 to 3 including increment and other benefits. However, the same was not considered. In the meanwhile, the petitioner has completed four years of service and he is also entitled for promotion from the post of Assistant Professor to the post of Assistant Professor (Senior Scale) under the Career Advancement Scheme. Since the same was not considered, this writ petition came to be filed.

5.The learned Government Advocate submitted that in this regard, the proposal is not yet received by the fourth and fifth respondents. Hence, after the proposal being received from the respondents 1 to 3, the same would be considered by the respondents 4 and 5.

6.In view of the above, I hereby directs the respondents 4 and 5 to send the proposal of the petitioner to the respondents 1 to 3 within a period of



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four weeks from the date of receipt of copy of this order. On receipt of such proposal, the respondents 1 to 3 are directed to consider the same and pass appropriate orders within a period of ten weeks thereafter.

7. With the above directions, this writ petition stands disposed of.

There shall be no order as to costs.

24.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Department Higher Education,
St. George Fort, Chennai.
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D.P.I.Compound, College Road,
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4. The Correspondent,
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L.VICTORIA GOWRI, J.

PNM

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