



WP.(MD).No.654 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.654 of 2024
and
W.M.P.(MD)No.656 of 2024

S.Jenefa Kiruba Malar

... 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 Tucker College,
Palayamkottai,
Tirunelveli District.

5.The Principal,
Sarah Tucker College,
Palayamkottai,
Tirunelveli District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pursuant to the impugned rejection order passed by the third respondent Athi.Mu.No.13497/103/2022 dated 15.12.2022 and quash the same and consequently direct the respondents to approve the petitioner's appointment with effect from 08.03.2018 and disburse arrears of salary and all other service and monetary benefit such as yearly increment, Medical Leave and Earn Leave etc forthwith.

For Petitioner	: Mr.S.Chellapandian
For Respondents	: Mr.N.Ramesh Arumugam Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned rejection order passed by the third respondent Athi.Mu.No.13497/103/2022 dated 15.12.2022 and to direct the respondents to approve the petitioner's appointment with effect from 08.03.2018 and disburse arrears of salary and all other service and monetary benefit such as yearly increment, Medical Leave and Earn Leave etc forthwith.

2.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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The petitioner was appointed as Assistant Professor in Commerce Department in the fourth respondent College which is a minority aided institution, on 08.03.2018 in a sanctioned vacancy. The fourth respondent College has sent a proposal seeking approval of the appointment of the petitioner vide proposal dated 05.04.2019. The same was considered and approval was granted only with effect from 06.07.2019 vide proceedings dated 13.12.2019. Thereafter, the petitioner has sent a representation through first respondent on 22.11.2022 seeking approval with effect from 08.03.2018 and the same came to be rejected vide impugned order dated 15.12.2022. Challenging the same, this Writ Petition came to be filed.

3.The learned counsel appearing for the petitioner submitted that having approved the other proposal, which has been forwarded by the fourth respondent College from the date of their appointment for the reasons known to respondents, the proposal of the petitioner alone has been returned for flimsy reasons and pressed for allowing the Writ Petition.



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4.The learned Government Advocate appearing for the respondents on written instructions submitted that the petitioner's representation was addressed to the first respondent. However, the impugned order has been addressed to the fourth respondent and the fourth respondent has to duly rectify the defects pointed out in the impugned order and resubmit the same. In case of re-submission with appropriate documents, the case of the petitioner for approval would be considered.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and carefully perused the entire materials available on record.

6.In view of the same, this Court hereby quash the impugned order and remit back the same to the third respondent with a specific direction to forthwith approve the appointment of the petitioner from the date of his appointment I.e., on 08.03.2018 within a period of 12 weeks from the date of receipt of copy of this order.



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7.In view of the above, this Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

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

To

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L.VICTORIA GOWRI, J.

Mrn

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