



W.P.(MD).No.4389 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4389 of 2024

Dr.W.Kerenhap Evangelin

... Petitioner

Vs.

1.The Secretary to the Government of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai

2.The Director of Collegiate Education,
I.A.S.E Campus,
577, Anna Salai, Saidapet,
Chennai – 600 015.

3.The Joint Director Collegiate Education,
Tirunelveli Region,
Tirunelveli.

4.The Secretary/Correspondent,
St.John's College,
Palayamkottai – 627 002,
Tirunelveli District.

5.The Principal,
St.John's College,
Palayamkottai – 627 002,
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 respondents to disburse the arrears of salary which re-fixed by the orders of the 3rd respondent dated 14.10.2022 along with all attendant benefits from the date on which the petitioner was appointed i.e from 16.07.2001 to till date along with statutory interest at the rate of 12% thereof.

For Petitioner : Mr.J.David Ganesan
For R1 to R3 : Mr.P.T.Thiraviam
Government Advocate

ORDER

Considering the limited scope of the relief sought for in this Writ Petition, notice to the respondents 4 and 5 is dispensed with.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Lecturer in Zoology in St.John's College, Palayamkottai in a permanent vacancy which had arisen due to voluntary retirement of a previous incumbent by name, D.Augustine Jebaraj as per the appointment order dated 07.07.2001 and he joined duty on 16.07.2001. A ban for appointment was imposed by the Government. During that period



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even though the petitioner was appointed in the permanent vacancy in the said College his appointment was not approved and the ban imposed on recruitment was lifted by the Government and the petitioner gave a petition on 18.08.2005 to the 4th respondent requesting him to forward his name and to take necessary steps for approval. In the meantime, permanent vacancy created by virtue of voluntary retirement of one D.Augustin Jebaraj was approved vide proceedings of the 3rd respondent dated 19.07.2006. Due to change of management instead of forwarding the petitioner's name for approval, the 3th respondent forwarded the name of one Ezhilmathi Sophia and Sheeba Rajakumari, who were illegally appointed subsequent to the petitioner. Following which, the then management took steps to terminate the petitioner from service. The petitioner filed W.P(MD)No.7928 of 2006 seeking a direction to the management to forward the name of the petitioner for approval as per the appointment order dated 07.07.2001 and for a consequential direction to the respondents 2 and 3 to approve the petitioner as Lecturer of Zoology in the 4th respondent College in permanent vacancy. This Court granted an order of interim stay restraining the management from terminating the petitioner's service. In the meantime, on 09.10.2012, the petitioner's appointment was duly approved by the 3rd



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respondent. Thereafter, the petitioner made a representation dated 10.01.2024 seeking arrears of salary in terms of the order of the 3rd respondent dated 14.10.2022 from the date on which the petitioner was appointed i.e from 16.07.2001 to till date along with statutory interest at the rate of 12% thereof.

4. 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.

5. It is made clear that without going into the merits of this case, this Court hereby directs the respondent No.3 to consider the representation of the petitioner dated 10.01.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this Writ Petition stands disposed of. No costs.

27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
CM
To

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L.VICTORIA GOWRI, J.

CM

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