



W.P.(MD).No.4855 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4855 of 2024

G.Menaga

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. 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,
Tirunelveli Region, Tirunelveli – 627 002.
4. The Correspondent Cum Secretary,
Sarah Tucker College, 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 1 to 3 to approve the appointment of the petitioner as Assistant Professor in Tamil in the 4th respondent College and sanction and disburse the grant in aid to the petitioner towards her salary and all other benefits w.e.f 28.04.2023 in light of the proceedings issued by the 2nd respondent in Na.Ka.No. 44402 / F4/2023,



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dated 18.01.2024 by considering the representation of the petitioner, dated 03.01.2024.

For Petitioner : Mr. T.Cibichakraborty

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

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 to 3 to approve the appointment of the petitioner as Assistant Professor in Tamil in the 4th respondent College and sanction and disburse the grant in aid to the petitioner towards her salary and all other benefits w.e.f 28.04.2023 in light of the proceedings issued by the 2nd respondent in Na.Ka.No. 44402 / F4/2023, dated 18.01.2024 by considering the representation of the petitioner, dated 03.01.2024.

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



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3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1-3. Perused the materials on record.

4.The petitioner is working as an Assistant Professor in Tamil in the 4th respondent's College w.e.f. 28.04.2023. The 4th respondent is a minority Educational Institution. The petitioner was appointed by the 4th respondent in the regular sanctioned vacancy, which arose due to the retirement of Dr.J.Jebamalar Winces Manimala. The fourth respondent forwarded the proposal to the affiliating University viz., Manonmaniam Sundaranar University seeking educational qualification approval for her appointment to the post of Assistant Professor in Tamil. The University also granted educational approval to the petitioner w.e.f. 28.04.2023, vide proceedings, dated 27.09.2023. Thereafter, the fourth respondent submitted his proposal, dated 24.11.2023 to the third respondent with all required documents, seeking approval of her appointment and the same was not considered. In this regard, the petitioner sent a representation to the first respondent through proper channel on 03.01.2024. Hence, this writ petition came to be filed.



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5. 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 respondents 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the second and third respondents to consider the proposal submitted by the fourth respondent, dated 24.11.2023, in line with the representation made by the petitioner on 03.01.2024 and pass appropriate order in accordance with law, within a period of eight (8) weeks, from the date of receipt of a copy of this order.



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

There shall be no order as to costs.

01.03.2024

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

To

1. The 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,
Tirunelveli Region, Tirunelveli – 627 002.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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