



W.P.(MD).No.15027 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.15027 of 2024

Nahomi Kasturi

... Petitioner

Vs

1. The Secretary to Government,
Department of Higher Education,
St. George Fort, Chennai.
2. The Director of Collegiate Education,
DPI Compound, College Road,
Chennai.
3. The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli.
4. The Correspondent,
Sarah Tucker College, Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of order passed by the 3rd respondent in O.Mu.No. 688/Aa3/2024, dated 18.03.2024 and quash the same as illegal and consequently direct the 2nd and 3rd respondents to approve the proposal for



W.P.(MD).No.15027 of 2024

promotion, dated 20.01.2024 and disburse all service and monetary benefits from 09.01.2024.

For Petitioner : Mr.S.Chellapandian
for M/s. Isaac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.S.Chellapandian, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.This Writ Petition has been filed challenging the order passed by the 3rd respondent in O.Mu.No.688/Aa3/2024, dated 18.03.2024 and consequently to direct the 2nd and 3rd respondents to approve the proposal for promotion, dated 20.01.2024 and disburse all service and monetary benefits from 09.01.2024.

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



W.P.(MD).No.15027 of 2024

WEB COPY

4. It is observed that the petitioner's seniority can be considered only if the School Management comes forward and comply the direction of the impugned order. In the impugned order, it is stated that as per the Tamil Nadu Private Colleges Regulation Act, 1976 the integrated combined seniority list has to be prepared for Colleges, which come under the same corporate Management. Though the petitioner has been promoted by the 4th respondent, the same was not approved by the 3rd respondent stating that the integrated combined seniority list has to be amended for the non-teaching staff if the institutions falling under the same corporate Management.

5.The learned counsel for the petitioner submitted that the petitioner has been appointed only in pursuant to combined seniority and hence, the reason cited by the 3rd respondent for returning the proposal for promotion is not correct. Even in such case, it is for the 4th respondent to react and resubmit the proposal by stating / vouching the contention of the petitioner now made before this Court.

6.In view of the above submission, the petitioner is at liberty to give a request to the 4th respondent to consider her submission and it is for the



W.P.(MD).No.15027 of 2024

4th respondent to take a call to resubmit the proposal, if at all he is convinced with all the submissions made by the petitioner. For the limited relief granted in this regard, notice to 4th respondent is dispensed with.

7. With the above directions, this writ petition is disposed of. No costs.

08.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

Note: Issue order copy on 10.07.2024

PNM

To

1. The Secretary to Government,
Department of Higher Education,
St. George Fort, Chennai.
2. The Director of Collegiate Education,
DPI Compound, College Road,
Chennai.
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W.P.(MD).No.15027 of 2024

R.N.MANJULA, J.

PNM

ORDER IN
W.P.(MD).No.15027 of 2024

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