



W.P.(MD)Nos.17639 to 17643 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)Nos.17639 to 17643 of 2022

W.P(MD)No.17639 of 2022

N.Benedict Jose

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road,
Chennai-600006.

2. The Joint Director of Collegiate Education,
Thirunelveli Region,
Thirunelveli - 627 007.

3.The Secretary,
St Judes College,
Thoothoor,
Kanyakumari – 629 176.

4.The Administrator,
St Judes College,
Thoothoor,
Kanyakumari – 629 176.

... Respondents

(R4 is suo motu impleaded vide Court order, dated 21.09.2022 in
W.P.(MD)No.17639 of 2022)



W.P.(MD)Nos.17639 to 17643 of 2022

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to approve the petitioner's appointment as Lab Assistant in the 3rd respondent College, in the Sanctioned vacancy caused by the Retirement of V.Alphonsamma with effect from 01.10.2013 to 17.06.2018 in the light of approval given by the 1st respondent to similarly placed non - teaching staff one C.Jacob Zakaria vide proceedings Na.Ka.No.14511/F2/2021 dated 09.08.2021 with W.P.(MD) No.6155 of 2021 dated 18.03.2021 with all monetary benefits and other attendant benefits based on the representation given by the petitioner dated 18.03.2021.

In all Writ Petitions

For Petitioners : Mr.S.Balamurugan

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, these writ petitions are disposed of, by way of this common order.



W.P.(MD)Nos.17639 to 17643 of 2022

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2. Heard Mr.S.Balamurugan, learned counsel appearing for the petitioners and Mr.M.Siddharthan, learned Additional Government Pleader appearing for the respondents.

3. In all these petitions, the issue involved is one and the same, even though the petitioners' appointment relates back to different dates. The approval has not been granted by the respondents from the date of the appointment of each of the petitioners' instance and the approval has been granted with effect from the year 2018 during which period the respondent department had sanctioned the respective post for which the petitioners have been appointed.

4. When the post itself is not available at the relevant point of time, when the petitioners were appointed, it is difficult to expect grant from the respondent Government for the post which was not sanctioned. The college authorities have also omitted to challenge the staff strength for the relevant year during which the respective appointments have been made in order to get sanction for their respective



W.P.(MD)Nos.17639 to 17643 of 2022

posts during the relevant academic year. If the college management chooses to appoint the persons against post which were not sanctioned during the relevant point of time, then the risk goes to the administration itself to bear the salary element of the appointees.

5. However, the learned counsel for the petitioners submitted that the concerned college management has once again sent the proposal seeking approval from the date of appointment and i.e., under process.

6. In such case, the petitioners can only await the outcome of such steps taken by the respective management. Since the petitioners do not have the *locus standi* to challenge the staff strength alone for the relevant academic year, it is for the college to challenge the same and get it rectified and get the consequential approval. The petitioners at this length of time, these petitioners can only wait for any orders to be passed by the concerned authorities on the initiative taken by the respective management.



W.P.(MD)Nos.17639 to 17643 of 2022

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7. With the above observation, these writ petitions are disposed of. No costs.

18.06.2024

NCC :yes/no

Index :yes/no

Internet:yes/no

RM



W.P.(MD)Nos.17639 to 17643 of 2022

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W.P.(MD)Nos.17639 to 17643 of 2022

R.N.MANJULA, J.

RM

W.P.(MD)Nos.17639 to 17643 of 2022

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