



WP(MD). No.17257 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 26.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD). No.17257 of 2024
and WMP(MD) No.14873 of 2024

Y.Freeda Consheela

... Petitioner

Vs

1. The Secretary to Government,
Department of 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.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution



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of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No. 491/Aa3/2022 dated 18.03.2024 and quash the same as illegal and consequently direct the respondents to grant permanent approval to the petitioner w.e.f. 18.03.2024 and disburse all other service and monetary benefits within period stipulated by this Court.

For Petitioner : Mr. S.Chellapandian

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

2. This Writ Petition has been filed challenging the impugned order passed by the 3rd respondent in Na.Ka.No. 491/Aa3/2022, dated 18.03.2024 and consequently to direct the respondents to grant permanent approval to the petitioner w.e.f. 18.03.2024 and disburse all other service and monetary benefits.



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

4. The petitioner, who is the Assistant Professor in the 4th Respondent College has been appointed on 18.03.2014. Since the petitioner's appointment proposal was not considered by the Government, the petitioner had filed a writ petition in W.P(MD) No. 14876 of 2016, under which, interim order has been passed and on the strength of the same, temporary approval has been given. However, the writ petition has been dismissed as withdrawn in view of the wrong jurisdiction, where the petition was filed.

5. It is learnt that the writ petition ought to have been filed before the Principal seat of this Bench. Similarly, placed persons who had filed similar writ petition before the Madurai bench in W.P(MD) No.23083 of 2015, dated 29.07.2015 seeking writ of mandamus to direct the respondents to approve the appointment of the petitioner therein has got favourable orders. The operative part of the order is extracted as under:



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“5. It is not in dispute that the petitioner was appointed as Assistant Professor in Mathematics against the sanctioned vacancy in the fourth respondent College. She was also granted provisional approval by the second respondent. The order granting provisional approval reads that provisional approval was given subject to the outcome of this Writ Petition. It was again reiterated in the communication, dated 08.09.2016 by the second respondent to the Secretary, namely, the third respondent. This communication indicates that the provisional approval granted to the petitioner is subject to the outcome of this Writ Petition and also the suit in O.S.No.71 of 2015 on the file of the learned Principal District Munsif, Tirunelveli.

6. It is now informed by the learned counsel appearing for the petitioner that the suit in O.S.No.71 of 2015 on the file of the learned Principal District Munsif, Tirunelveli, is nothing to do with this case and this petitioner is not a party to that suit and that suit was also ended in dismissal on 07.01.2021. There is no other valid reason for not granting permanent approval for the post of the petitioner. Therefore, the second respondent is directed to grant permanent approval on the proposal submitted by the third respondent for the appointment of the petitioner as Assistant Professor in Mathematics from the date of her appointment and disburse grant-in-aid towards her salary and allowances within a period of four weeks from the date of receipt of a copy of this order”.

6.The petitioner claims that she is also similarly placed



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person and the benefit of the order passed in W.P(MD) No. 23083 of 2015 is applicable to the case of the petitioner as well.

7.Since the impugned order has been passed without taking into consideration of the order passed in W.P(MD) No. 23083 of 2015 and also not taking into consideration of the temporary approval granted, it is appropriate on the part of the respondents to reconsider the proposal on merits and on considering the fact that the writ petition in W.P(MD) No. 14867 of 2016 has been withdrawn only on jurisdictional grounds.

8.With the above observations, the impugned order in Na.Ka.No. 491/Aa3/2022 passed by the 3rd respondent, dated 18.03.2024 is hereby set aside and direct the respondents to reconsider the proposal of the petitioner on merits within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
PNM



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