



W.P(MD)No.20448 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20448 of 2024

and

W.M.P(MD)No.17347 of 2024

P.Vijila

... Petitioner

Vs.

1.The Director of Collegiate Education,
College Road, Chennai – 600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region, Tirunelveli – 627 008.

3.The Correspondent cum Secretary
Nazareth Margoschis College at
Pillaiyanmanai, Nazareth – 628 617,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 08.02.2024 in Oo.Mu.No. 337/U4/2024 issued by the 2nd respondent Joint Director, quash the same and direct the respondents to approve forthwith the appointment of the petitioner as a Lab Assistant in the 3rd respondent college and to disburse the grant-in-aid towards her salary and all attendant service benefits from the date of initial appointment i.e.,01.03.2023 in the light of the order passed by the 2nd respondent in Na.Ka.No.2330-Aa1-2016, dated 04.03.2016.



W.P(MD)No.20448 of 2024

For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.J.Ashok
Additional Government Pleader for R1 & R2
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ORDER

The instant writ petition has been filed by a Lab Assistant of a Minority Institution, challenging the order passed by the second respondent herein, wherein the request of the Management for approval of the appointment has been rejected on the ground that there are other qualified employees in the same College who have not been considered for appointment as Lab Assistant.

2.According to the learned Counsel appearing for the writ petitioner, there are no qualified candidates, who are aspiring to the post of Lab Assistant in the said College. Even assuming that there are any other qualified candidate, they are not willing to take up the post of Lab Assistant.

3.Per contra, the learned Additional Government Pleader appearing for the respondents herein would contend, in view of Rule 11(4) of the Tamil Nadu Private Colleges Regulation Act, 1976, unless the other qualified candidates in the same college were considered, approval cannot be granted.



W.P(MD)No.20448 of 2024

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4.In view of the said facts, this Court is of the considered opinion that the second respondent shall conduct an enquiry with the other staff members in the said College and to verify whether they are qualified or they are aspiring to the post of Lab Assistant or not. After such verification, the Joint Director shall proceed to pass further orders depending upon the result of the enquiry.

5.With the above said observations, the order impugned in the writ petition is hereby set aside and the matter is remitted back to the file of the second respondent herein. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

28.08.2024

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

RJR



W.P(MD)No.20448 of 2024

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R.VIJAYAKUMAR, J.

RJR

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