



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

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Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

WP(MD). No.25041 of 2022

Selvam.V

S/o S.Velayuthan 7-22b Pandarathattuvilai
Paloor Kottavilai Karungal P.O. Paloor
Village Killiyoor Taluk
Kanyakumari District.

... Petitioner

Vs

1 The Director

Directorate of Collegiate Education E.V.K.
Sampath Maligai College Road
Chennai 600 006

2 Libija.J.V

Assistant Professor Department of Physics
Rani Anna Government Arts College For Women
Tirunelveli 627 008.

3. The District Treasury Officer,
Treasury Office, Nagercoil.

4. The Commissioner of Treasuries and Accounts,
571, Perasiriyar Anbalagan Maaligai,
3rd Floor, Nandanam, Chennai - 600 035.

(R3 and R4 are Suo Motu Impleaded vide Court order dated 22.03.24)

... Respondents



Prayer :-

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records in connection with the impugned order in **Na.Ka.No.35887/C3/2022 dated 11.10.2022** on the file of 1st respondent office and quash the same and direct the 1st respondent to transfer and post the petitioner in the existing vacancy in the Physics Department of Nagercoil Government Arts College and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:- This Writ Petition disposed of by this Court on 28.02.2024 and subsequently this case came up for reporting compliance on 22.03.2024 and on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.Titus, Advocate for the Petitioner and of Mr.R.Baskaran, Additional Advocate General, assisted by Mr.M.Sarangan, Additional Government Pleader for the first respondent, and the second respondent having not appeared either in person or by an Advocate, this Court made the following order:

On the direction of this Court, by order dated 22.03.2024, the first respondent has filed a status report complying the order of this Court dated 28.02.2024 and the operative portion of the said report reads as follows:-

"I have assumed office of Director of Collegiate Education on

<https://www.mhc.tn.gov.in/judis>

29.01.2024, and after going through the file and connected papers and the



litigation, I understand that vacancies for the 5 sanctioned posts for Physics in Government Arts College, Nagercoil, which has to be filled up, was filled by appointing one Vinu alone for one sanctioned post, since only one post was financially approved. But when the teaching staff approached the Director of College Education for transfer in the interregnum period in between the counsellings, more particularly for personal reasons, the Director of Collegiate Education had approved transfer on requests and 3 persons were posted accordingly to a strength of total 4 posts out of 5. Actually such appointment should not have been made. In order to strengthen the appointment, that have been made by transfer to Government Arts College, Nagercoil, some arrangements have been made for payment of salary and it has been paid. Such arrangement has been made without taking note of the fact that financial sanction was not accorded.

18 It is submitted that the 5th post has been allotted to one Sakthi Sudar Saravanan on his request by way of transfer. However he did not take charge and as such the post is lying vacant. Only when the matter came up for hearing before this Hon'ble Court and subsequently a report was asked to be filed by this Hon'ble Court, I was able to understand the situation. However, in compliance to the order passed by this Hon'ble Court, now I have made arrangements to effect transfer to the petitioner with a special arrangement by



transferring a post from some other college.

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As for as the other incumbents are concerned, in order to set right the anomaly that has been caused, the Government has to be approached for getting financial sanction for the remaining posts of Physics faculty and to make payment of salary in proper course."

2. In view of the same, the compliance of report is recorded and thereby, the Writ Petition is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/07/2024

Sub Assistant Registrar
(CS - I / II / III / IV)

To

1. The Director
Directorate of Collegiate Education
E.V.K. Sampath Maligai College Road
Chennai 600 006.

2 The District Treasury Officer, Treasury Office,
Nagercoil.



3 The Commissioner of Treasuries and Accounts,
571, Perasiriyar Anbalagan Maaligai,
III Floor, Nandanam,
Chennai – 600 035.

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+1 CC to M/s.SPL.GP (SR-17565 [F] dated 01/04/2024)



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ORDER DATED : 28/03/2024

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ORDER

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WP(MD). No.25041 of 2022

Giving direction and etc.
as stated within.

RE (02.07.2024) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.