



WEB COPY

W.P.(MD) No.17109 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.17109 of 2017

and

W.M.P.(MD) No.13689 of 2017

R.Seleena

... Petitioner

-VS-

- 1.The Principal Secretary to Government
Higher Education Department
Secretariat, Chennai
- 2.The Director of College Education
College Road, Chennai
- 3.The Joint Director of College Education
Tirunelveli
- 4.The Registrar
Manommoniam Sundaranar University
Tirunelveli
- 5.The Scott Christian College
Nagercoil
rep.by its Correspondent / Secretary
Nagercoil, Kanyakumari District

... Respondents



WEB COPY

W.P.(MD) No.17109 of 2017

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the files of the third respondent pertaining Na.Ka.No.10012/E2/2016 dated 02.03.2017 and to quash the same and consequently directing the respondents to approve the appointment of the petitioner with effect from 16.06.2010 as Assistant Professor in Commerce in the fifth respondent's college that is from the date of initial appointment and to regularize the said period from 16.06.2010 to 06.07.2014 for the purpose of all attendant benefits and pay the arrears of salary, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R3
No appearance for R4 & R5

ORDER

This writ petition has been filed challenging the order dated 02.03.2017, passed by the third respondent, rejecting the petitioner's request to grant approval for her appointment to the post of Assistant Professor in Commerce in the fifth respondent – College with effect from 16.06.2010, which, according to the petitioner, is the date of her initial appointment.



W.P.(MD) No.17109 of 2017

WEB COPY

2. It is now brought to the notice of this Court by the learned Government Advocate appearing for the respondents 1 to 3 that since the fifth respondent – College has not submitted any proposal seeking approval for the petitioner's appointment as Assistant Professor in Commerce with effect from 16.06.2010, being the date of her initial appointment, the third respondent has rightly rejected the petitioner's request under the impugned order dated 02.03.2017.

3. Any approval is granted for any appointment in the fifth respondent – College only based upon a proposal sent by the said College to the third respondent. Since no proposal has been sent by the fifth respondent – College to the third respondent seeking approval for the petitioner's appointment, the question of granting approval does not arise. The third respondent has rightly rejected the petitioner's request under the impugned order, since no proposal was submitted by the fifth respondent – College supporting the petitioner's request. Therefore, the relief sought for in this writ petition cannot be granted without a proposal having been submitted by the fifth respondent – College seeking for approval for the appointment of the



W.P.(MD) No.17109 of 2017

WEB COPY

petitioner as Assistant Professor in Commerce in their College with effect from 16.06.2010.

4. For the foregoing reasons, liberty is given to the fifth respondent – College to submit a proposal to the third respondent seeking for approval for the appointment of the petitioner as Assistant Professor in Commerce in their College with effect from 16.06.2010, which, according to the petitioner, is her initial date of appointment. On receipt of the said proposal, the third respondent shall pass final orders on merits and in accordance with law, as expeditiously as possible.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.10.2024

(1/6)

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

krk



W.P.(MD) No.17109 of 2017

WEB COPY

To:

- 1.The Principal Secretary to Government,
Higher Education Department,
Secretariat, Chennai.
- 2.The Director of College Education,
College Road, Chennai.
- 3.The Joint Director of College Education,
Tirunelveli.



WEB COPY



W.P.(MD) No.17109 of 2017

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.17109 of 2017
and
W.M.P.(MD) No.13689 of 2017

01.10.2024

(1/6)