



WEB COPY



W.P.No.32618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.32618 of 2024

The American College
Rep. by its Secretary
Dr.M.Davamani Christoher
Morning Side, American College Campus
Madurai 625 002

... Petitioner

Vs

1.The Government of Tamil Nadu
Rep. by the Principal Secretary
Higher Education Department
Fort St. George, Chennai 600 009

2.The Director of Collegiate Education
I.A.S.E. Campus
577, Anna Salai, Saidapet
Chennai 600 015

3.The Regional Joint Director Collegiate Education
Madurai Region
Madurai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd and 3rd respondents to approve the appointment of 5 Group-D non-teaching staff appointed in the sanctioned vacancy



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in the petitioner college from their date of appointment *i.e.*, 12.08.2024 & 13.08.2024 respectively, in the light of the order of this Court made in W.P.(MD) No.1234 of 2014 dated 24.02.2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 which has been confirmed by the Hon'ble Apex Court in SLP.No.323 of 2019 dated 18.01.2019.

For Petitioner : Ms.Selvi George
for Mr.E.Martin Jayakumar
For Respondents : Mr.C.Jayaprakash
Government Advocate

ORDER

This writ petition has been filed in the nature of a mandamus seeking a direction against the 2nd and 3rd respondents to approve the appointment of Group-D non-teaching staff five in number, who had been appointed in the petitioner college in the sanctioned vacancy. Their dates of appointment were on 12.08.2024 and 13.08.2024.

2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner College at Madurai had been sanctioned with 60 posts of non-teaching staff members. It also included 8 posts of Office Assistant, 6 posts of Sweeper and 2 posts of waterman. Consequent to the vacancies that had arisen either owing to promotion or retirement of existing staff, the petitioner had

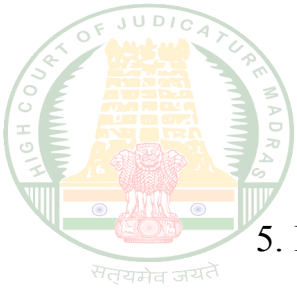


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appointed Mr.G.S.Bharathi, Mr.S.Brakatheeswaran, Mr.S.Vinoth Kumar as Office Assistants on 12.08.2024 and Mrs.T.Sivakamai as Sweeper, Mr.A.James Gnanadurai as Waterman on 13.08.2024.

3. It had been stated that approval for these appointments were sought from the 2nd and 3rd respondents. However, the 2nd and 3rd respondents had not passed an order granting approval of such appointment. Seeking a mandamus that the 2nd and 3rd respondents must grant approval, the present writ petition has been filed.

4. The issue is no longer *res integra*. In a judgment by the Division Bench in *The Director of Collegiate Educaiton, Chennai and Another Vs. The Secretary, Rajapalayam Rajus College, Virudhunagar District (W.A.(MD) No.931 of 2018 decided on 12.07.2018)*, it was held that the order of the learned Single Judge against which the writ appeal had been filed must be upheld, since there was an earlier order in *C.Manikandan Vs. State of Tamil Nadu [(2012) 4 MLJ 918]*.



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5. It is contended that the petitioner College has every right to appoint in the existing vacancy which had arisen owing to retirement or due to promotion and therefore, approval of the same should be given, since the appointments were made only with the respective sanctioned posts. The ratio applies to the facts of the present case also. A direction is given to the 2nd and 3rd respondents to grant approval of the appointment of the aforementioned 5 Group-D non-teaching staff within a period of two months from the date of receipt of a copy of this order. It goes without stating that these 5 Group-D employees would also be entitled to service and monetary benefits from the date of their initial appointment.

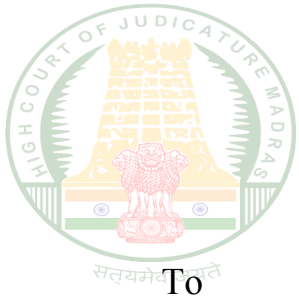
With the above direction, this writ petition stands allowed. No costs.

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gya

Index : Yes/No

Neutral Citation : Yes/No



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