

W.P(MD)No.11485 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE BATTU DEVANAND

W.P.(MD)No.11485 of 2025

The Correspondent cum Secretary
Women's Christian College
Nagercoil - 629 001
Kanyakumari District.

...Petitioner

Vs.

1. The State of Tamil Nadu
Represented by its Secretary,
Department of Higher Education,
Fort St.Geroge,
Chennai - 600009.

2. The Director of Collegiate Education,
DPI Complex, College Road,
Chennai - 600006.

3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Palayamkottai,
Tirunelveli District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, in the nature of a Writ of Mandamus directing the 3rd respondent Joint Director to disburse the arrear of salary admissible to Dr.S.Brailin



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Theola in the post of Assistant Professor (English) in the petitioner college for the period 01.10.2020 to 31.08.2023 with all attendant consequential benefits within a reasonable time as may be prescribed by this Court and pass such further or other orders as this Court.

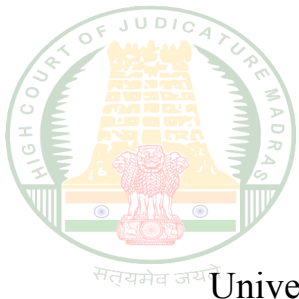
For Petitioner : Mr. K.Ragatheesh Kumar
for M/s. ISAAC CHAMBERS

For R1 to R3 : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard the learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents. I have carefully perused the materials available on record.

2. The petitioner is the Correspondent of the Women's Christian College which is a minority diocese institution. In the said college, one post of Assistant Professor (English) fell vacant due to the retirement of then incumbent Dr.R.Margaret Joy Pricilla on 31.05.2020. In the said vacancy, the college appointed one Dr.S.Brailin Theola, Assistant Professor (English) with effect from 01.10.2020. Thereafter, the college sent a proposal for approval from the affiliated university. The



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University gave qualification approval for her appointment vide proceedings dated 15.03.2023. Thereafter, the college submitted a proposal to the third respondent seeking for approval of appointment of the said Assistant Professor with effect from 01.10.2020. The third respondent vide proceedings dated 12.04.2023, granted approval for appointment of the said Assistant Professor with effect from 01.10.2020. But salary was disbursed only from the month of September, 2023 and not from the date of appointment. The arrears of salary from 01.10.2020 to 31.08.2023 is not disbursed till date. The petitioner has submitted several representations to the third respondent for disbursement of arrears of salary. But the representations dated 15.05.2024 and further 19.12.2024 were not considered. Aggrieved by the inaction of the respondents and to consider the request of the petitioner, the present writ petition is filed.

3. On careful perusal of the materials available on record, it appears that the third respondent granted approval order dated 12.04.2023 wherein the approval was granted with effect from 01.10.2020, that is the date of the appointment of the said Assistant



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Professor. As and when approval is granted with effect from 01.10.2020, the action of the third respondent in disbursing the salary only from the month of September, 2023 is illegal, unjust and in violation of Article 21 of the Constitution of India. Further the action of the third respondent in not considering the representations dated 15.05.2024 and 19.12.2024 of the petitioner is unjust.

4. For the reasons stated above, this writ petition is allowed with a direction to the third respondent to disburse those arrears of salary admissible to Dr.S.Brailin Theola in the post of Assistant Professor (English), for the period from 01.10.2020 to 31.08.2023 with all attendant consequential benefits within a period of eight weeks from the date of receipt of a copy of this order.

5. There shall be no order as to costs.

24.04.2025

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

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BATTU DEVANAND, J.

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