



W.P.(MD)No.12532 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.12532 of 2025

The Correspondent cum Secretary,
Womens Christian College,
Nagercoil – 629 001,
Kanyakumari District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of Higher Education,
Fort St. George, Chennai 600 009.
- 2.The Director of Collegiate Education,
DPI Complex, College Road,
Chennai 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Palayamkottai - 627 002.
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the arrear of salary admissible to Dr.K.Usha Kumary in the post of Assistant Professor in History in the petitioner college during the period 25.01.2020 to 31.08.2023 with all attendant consequential within a reasonable time as may be prescribed by this Court.



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For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Issac Chamber

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents. I have carefully perused the materials available on record.

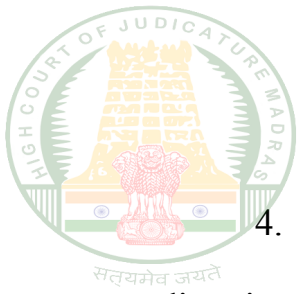
2. The petitioner is the Correspondent of the Women's Christian College which is a minority diocese institution. In the said college, one post of Assistant Professor (History) fell vacant due to the retirement of then incumbent Prof.Geetha Seleena Robinson on 31.05.2019. In the said vacancy, the college appointed one Dr.K.Usha Kumary, Assistant Professor (History) with effect from 25.01.2020. Thereafter, the college sent a proposal for approval from the affiliated university. The 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 25.01.2020. The



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third respondent vide proceedings dated 12.04.2023, granted approval for appointment of the said Assistant Professor with effect from 25.01.2020. But salary was disbursed only from the month of September, 2023 and not from the date of appointment. The arrears of salary from 25.01.2020 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 19.12.2024 was 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 25.01.2020, that is the date of the appointment of the said Assistant Professor. As and when approval is granted with effect from 25.01.2020, 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 representation, dated 19.12.2024 of the petitioner is unjust.



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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.K.Usha Kumary in the post of Assistant Professor (History), for the period from 25.01.2020 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.

29.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Secretary,
Department of Higher Education,
Fort St. George, Chennai 600 009.
- 2.The Director of Collegiate Education,
DPI Complex, College Road,
Chennai 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
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BATTU DEVANAND, J.

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