



W.P.(MD)No.17943 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17943 of 2025

and

W.M.P.(MD)Nos.13733 and 13736 of 2025

P.Raja Premkumar

... Petitioner

-VS-

1.The Commissioner/ Director of Collegiate Education,
College Road,
Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.

3.The Correspondent cum Secretary,
St. Johns College, Palayamkottai,
Tirunelveli - 627 002.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first respondent Director in Na.Ka.No. 31399/F4/2019 dated 06.11.2019 and the consequential order of the second respondent the Joint Director in Pa.Mu.No.3599/Aa2/2019-4 dated 13.12.2019, quash the same insofar as approving the appointment of the petitioner as Library



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Assistant in the third respondent college w.e.f. 18.12.2017 and further direct the respondents to approve forthwith the appointment of the petitioner as Library Assistant from the original date of his appointment i.e on 18.12.2017 and to sanction and disburse the arrears of salary from 18.12.2017 till October 2023.

For Petitioner : Mr.T.Cibi Chakraborty
For R1 and R2 : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition has been filed seeking to quash the impugned order issued by the first respondent / Director of Collegiate Education in Na.Ka.No. 31399/F4/2019, dated 06.11.2019 and the consequential order of the second respondent / Joint Director of Collegiate Education in Pa.Mu.No. 3599/Aa2/2019-4, dated 13.12.2019, insofar as they approve the appointment of the petitioner as 'Library Assistant' in the third respondent college only with effect from 18.12.2017. The petitioner further seeks a direction to the respondents to approve his appointment as 'Library Assistant' from the original date of his appointment, i.e., 18.12.2017 and to sanction and disburse the arrears of salary from 18.12.2017 till October 2023.



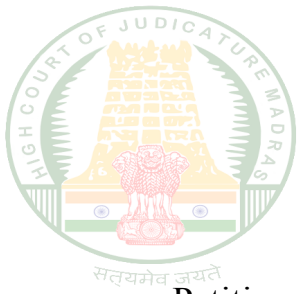
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2. By consent, this Writ Petition is disposed of, at the admission stage itself.

3. Since no adverse orders are going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

4. The petitioner submits that he was appointed as 'Library Assistant' in the third respondent college with effect from 18.12.2017, in a regular and sanctioned vacancy that arose due to the promotion of one J.Golda Swarna Rathi on 01.09.2016. The college submitted a proposal enclosing all the necessary documents to the second respondent / Joint Director of Collegiate Education on 04.01.2018, seeking approval of the petitioner's appointment and sanction of grant-in-aid towards his salary from the original date of appointment. However, despite submission of the proposal, the first respondent approved the petitioner's appointment only from 06.11.2019 vide proceedings in Na.Ka.No.31399/F4/2019 dated 06.11.2019 and the second respondent accordingly granted approval from the same date vide proceedings in Pa.Mu.No.3599/Aa2/2019-4 dated 13.12.2019, instead of the original date of appointment, i.e., 18.12.2017. Subsequently, a Writ

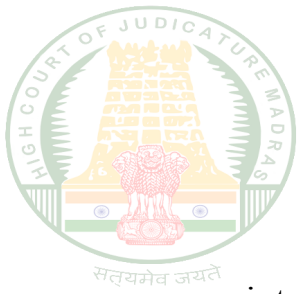


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Petition in W.P.(MD)No.18276 of 2020 was filed by one J.Meriton Manicka Selvam, challenging the appointment and approval granted to the petitioner.

5. The petitioner further submits that due to the pendency of the aforesaid Writ Petition, the petitioner's salary and attendant benefits were not disbursed. Hence, the petitioner filed W.P.(MD)No.1928 of 2021, seeking disbursement of salary and service benefits from 18.12.2017. This Court, vide order dated 30.06.2023, dismissed the Writ Petition filed by J.Meriton Manicka Selvam. Subsequently, the petitioner's Writ Petition in W.P.(MD) No.1928 of 2021 was closed in view of the said order. Thereafter, the petitioner submitted a representation dated 12.03.2025 to the respondents 1 and 2, requesting approval of his appointment from the original date, i.e., 18.12.2017 and for sanction of salary arrears till October 2023. However, no action has been taken by the respondents to date.

6. The learned counsel for the petitioner submits that, in similar circumstances, employees of the third respondent College had filed writ petitions in W.P.(MD)Nos.5668 to 5671 of 2024 before this Court and this Court, by order dated 17.04.2024, directed the respondents to issue orders approving the

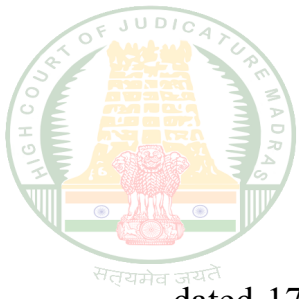


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appointments of the petitioners therein with effect from their respective dates of appointment, along with all attendant benefits, in the light of the judgment rendered in **P.Ravichandran vs. State of Tamil Nadu** reported in **2013 (7) MLJ 641**, within a period of eight weeks from the date of receipt of a copy of that order. Aggrieved by the said order, the Department filed writ appeals before this Court in W.A.(MD)Nos.158 to 161 of 2025; however, the Division Bench, by judgment dated 24.02.2025, dismissed the writ appeals and thereby, confirmed the order of the learned Single Judge. Hence, the learned counsel submits that the delay in granting approval from the original date of appointment is wholly unjustified, particularly, in the absence of any legal impediment and therefore prays for issuance of an appropriate direction to the respondents to approve the petitioner's appointment from 18.12.2017 and to disburse the arrears of salary and other monetary benefits accordingly.

7. Heard both sides.

8. In view of the foregoing facts and circumstances and taking into consideration the decision of this Court in W.P.(MD)Nos.5668 to 5671 of 2024



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dated 17.04.2024, as affirmed by the Division Bench of this Court in W.A.(MD) Nos.158 to 161 of 2025, by judgment dated 24.02.2025, this Court is of the considered opinion that the petitioner is entitled to similar relief. Accordingly, the impugned orders passed by the first respondent in Na.Ka.No.31399/F4/2019 dated 06.11.2019 and by the second respondent in Pa.Mu.No.3599/Aa2/2019-4 dated 13.12.2019, insofar as they approve the petitioner's appointment only from 06.11.2019 instead of 18.12.2017, are hereby set aside. The respondents are directed to pass appropriate orders in the light of the orders passed by this Court stated supra and dispose of the case of the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. With the above observations and directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No
Index : Yes / No
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To:-

- 1.The Commissioner/ Director of Collegiate Education,
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- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.



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VIVEK KUMAR SINGH, J.

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