

W.P.(MD).No.24676 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.24676 of 2016

M.Malika

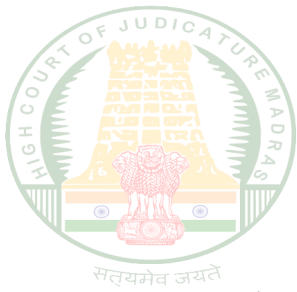
... Petitioner

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.Nesamony Memorial Christian College,
Represented by its Correspondent/Secretary,
Marthandam -629 165.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the records of the first respondent pertaining to its letter bearing Na.Ka.No. 15947/F2/2014, dated 08.02.2016 and to quash same and consequently direct the



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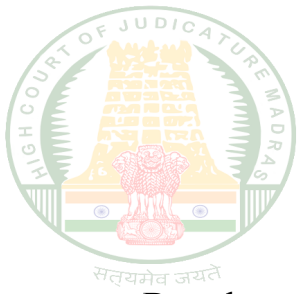
respondent to approve the appointment of the petitioner as History Lecturer in the 5th respondent's college from the date of initial appointment with effect from 16.06.2008 to 21.01.2009 and consequently direct the respondents to give all consequential benefits to the petitioner.

For Petitioner	: Mr.T.Jeen Joseph
For R1 to R3	: Mr.S.Sajibino Special Government Pleader
For R4	: M/s.H.Jasima Yasmin For M/s.Ajmal Associates
For R5	: Mr.F.Deepak

ORDER

The writ petition was filed was issuance of a ***Writ of Certiorarified Mandamus***, to quash the letter bearing Na.Ka.No.15947/F2/2014, dated 08.02.2016, and consequently direct the respondent to approve the appointment of the petitioner as History Lecturer in the 5th respondent's college from the date of initial appointment with effect from 16.06.2008 to 21.01.2009 and consequently direct the respondents to give all consequential benefits to the petitioner.

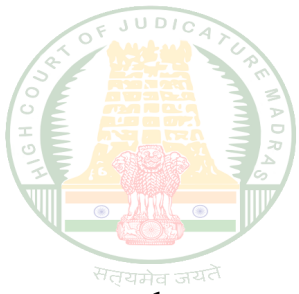
2. The brief facts are that the petitioner has qualification in M.A. History, M.A. Tamil, P.G. Diploma in Tourism Management and M.Phil. History.



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Based on the qualification and Employment Exchange seniority the 4th respondent appointed the petitioner on 16.06.2008 in the retirement vacancy of Dr.A. Devasenan which became vacant on 31.05.2005. Pursuant to the same the petitioner joined duty on the same date itself. On 22.01.2009, the 4th respondent college submitted the proposal for approval of appointment, but the official respondent failed to approve. Hence, W.P.(MD)No.1450 of 2009 was filed for direction for approve the appointment and the Court directed to consider and pass orders. As per the proposal along with documents from the college dated 22.01.2009, the 4th respondent college sought for his approval from 16.06.2008. However, the respondent vide order dated 20.05.2009 rejected the request, hence W.P.(MD)No.5199 of 2009 was filed and the Court allowed the writ petition by setting aside the order dated 20.05.2009 and directed the 2nd respondent to consider the proposal dated 22.01.2009 sent by the 4th respondent college on merits and in accordance with law. On receipt of the copy of the said order, the 2nd respondent by order dated 10.08.2009 was pleased to approve the appointment with effect from 21.01.2009. Since the petitioner's appointment is from 16.06.2008 but the official respondent had granted approval from 21.01.2009, on 01.10.2009 the petitioner submitted a representation through proper channel and



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the same was not considered. The petitioner had worked from 16.06.2008 till superannuation. However, the respondent has not chosen to approve his service from the date of his appointment. In fact, due to the said action of the respondent, the petitioner deprived of nearly seven-month salary as well as the consequential benefits. Hence, the present writ petition was filed.

3. Heard Mr.T.Jeen Joseph, learned Counsel appearing for the petitioner, Mr.S.Saji Bino, learned Special Government Pleader appearing for the 1st respondent, Mr.H.Jasima Yasmin, Learned Counsel appearing for 4th respondent and Mr.F.Deepak, Learned Counsel appearing for the 5th respondent and perused the records.

4. The contention of the petitioner is that he was appointed on 16.06.2008. After getting qualification approval from the University, the College had submitted the proposal on 22.01.2009, hence the petitioner ought to be approved with effect from the date of appointment and not date of submitting the proposal.

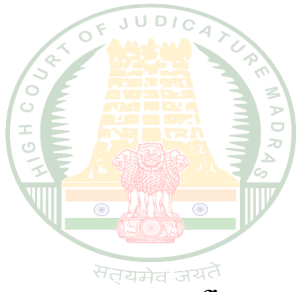


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5. It is seen that the college had not filed any counter and had not supported the case of the petitioner. The official respondents had filed counter and had stated that the respondents had considered the proposal and granted approval from 22.01.2009, but declined to grant approval from 16.06.2008. The contention of the respondents is that the college appointed the petitioner as Lecturer on 16.06.2008, but the qualification approval was not granted by the fourth respondent with effect from 16.06.2008, therefore the appointment is approved from the date of submission of proposal i.e. 22.01.2009 and the date of approval granted by the university.

6. The petitioner had filed two writ petitions in the year 2009 and obtained an order to consider the grievance of the petitioner and pass orders. Thereafter had filed one writ petition in the year 2011 and obtained order to consider the representation. Thereafter, the petitioner had not pursued the litigation, but continued the service. Then again had filed the present writ petition in December 2016. In the meanwhile, the petitioner had attained superannuation 31.05.2017. The present writ petition is filed on the verge of retirement. At this stage the respondents cannot peruse the attendance register and other records to



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confirm whether the petitioner had worked from 16.06.2008. Further as rightly pointed out by the respondents the university had granted approval of qualification with effect from 22.01.2009 and not with effect from 16.06.2008. Therefore, this Court is not inclined to entertain the writ petition.

7. Therefore, for the reasons stated supra the present writ petition is dismissed. No Costs.

24.04.2025

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

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S.SRIMATHY, J.

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