



WEB COPY

WP No. 12665 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 12665 of 2026

and

W.M.P.No.13829 and 25845 of 2026

Sacred Heart College,
Rep. by its Secretary,
Rev.Fr.Praveen Peter,
S/o.Mr.Peter,
Thuya Nenja Kalluri Vallakam,
Tirupattur,
Vellore – 635 601.

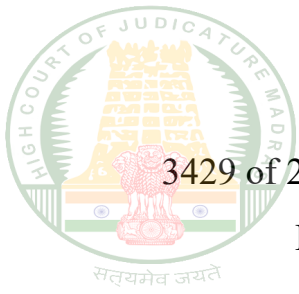
..Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
Higher Education Department,
Fort St. George, Chennai – 600009.
2. The Commissioner of Collegiate Education,
I.A.S.E. Campus,
577 Anna Salai, Saidapet, Chennai – 600 015.
3. The Regional Joint Director Collegiate
Education, Vellore Region,
Vellore.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to approve the appointment of 10 Group D Non Teaching staffs (Names vide Annexure) working in the petitioner college and disburse the salary from their date of appointment i.e. 03.10.2016 in the light of the orders of this Court made in WA(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed the Hon'ble Apex Court in SLP.No. 323 of 2019 dated 18.01.2019 and W.A.No.



3429 of 2025 dated 17.11.2025.

For Petitioner(s) : M/s.Selvi George
for M/s.E.Martin Jaya Kumar
For Respondent(s) : Mr.V.Sivalingam,
Government Advocate

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ORDER

This writ petition is filed for the following relief ;

“directing the respondents to approve the appointment of 10 Group D Non Teaching staffs (Names vide Annexure) working in the petitioner college and disburse the salary from their date of appointment i.e. 03.10.2016 in the light of the orders of this Court made in WA(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed the Hon’ble Apex Court in SLP.No. 323 of 2019 dated 18.01.2019 and W.A.No. 3429 of 2025 dated 17.11.2025.”

2. When the matter is taken up for hearing, it is brought to the notice of this Court that the very same issue involved in this writ petition has been dealt by this Court in a writ petition in W.P.(MD).No.7198 of 2026, wherein, it is observed as follows:

6. The Division Bench of this Court in W.A.No.3429 of 2025 dated 17.11.2025 has considered the very same aspect and held as follows:

"6. Admittedly, the vacancies in 48 Group-D posts arose in 2022, and the respondent/writ petitioner submitted representation on 22.07.2022 seeking approval to fill up those vacancies. As on the date



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when the vacancies arose and the representation was made, there was no prohibition on filling up Group-D category posts. The request for approval was rejected on 26.07.2023. The amendment to Rule 11 of the Rules, 1976, came into effect only on 03.04.2025 and does not contain any provision conferring retrospective operation. Therefore, the amended Rule cannot be invoked to retrospectively curtail the respondent/writ petitioner's vested right to fill up the vacancies in accordance with the rules then in force. Consequently, the contention of the learned Additional Advocate General that the impugned order is contrary to amended Rule 11 is without merit."

7. In the light of the above, the contention of the learned Additional Government Pleader that the date of vacancy is not a relevant criteria and that the date of appointment alone is the relevant criteria cannot be accepted, in view of the decision of the Hon'ble Division Bench holding that vacancies which arose prior to 03.04.2025 cannot be subjected to the rigour of the amended rule under G.O.Ms.No.66, dated 03.04.2025.

8. In these circumstances, the impugned order, insofar as it seek to apply G.O.Ms.No.66, dated 03.04.2025, to vacancies that arose much prior to 30.11.2022, cannot be sustained. Accordingly, the impugned order passed by the 4th respondent dated 28.01.2026 is quashed. Further, the 3rd respondent is directed to grant approval for the appointment of 15 Group 'D' non-teaching staffs pursuant to the proposal dated 19.11.2025 submitted by the petitioner and to issue necessary proceedings as expeditiously as possible, in any event, within a period of eight weeks from the date of receipt of a copy of this order."



P.T.ASHA, J.

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3. The aforesaid order dated 15.04.2026 squarely applies on all fours to the cases in hand and therefore, this writ petition is disposed of in the light of paragraph No.8 of the order dated 15.04.2026. Consequently, connected miscellaneous petitions are closed. No costs.

09-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Represented by the Principal Secretary,
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Chennai – 600009.
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