

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-07-2026

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 2940 of 2021

C. Sathyakumar

Petitioner(s)

Vs

1. The Director of Collegiate Education
College Road, Chennai - 6.

2. The Joint Director of Collegiate Education
Tirunelveli Region
Tirunelveli -7.

3. The Correspondent / Secretary
Scott Christian College (Autonomous)
Nagercoil, Kanyakumari District.

Respondent(s)

For Petitioner(s): Mr.G.Sridharan

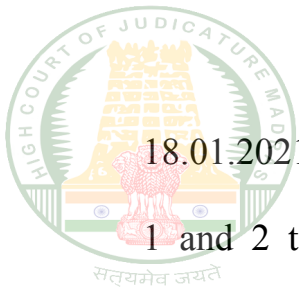
For Respondent(s): Mr.S.Siva Thilakar, Counsel for State of Tamil Nadu for R1&2
Mr.S.C.Herold Singh For R3

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.22944/F@/2020 dated 18.01.2021 passed by the 1st respondent and quash the same and consequently direct the respondents 1 and 2 to grant approval to the appointment of the petitioner with effect from 21.01.2010 with all monitory and attendant benefits, within the period stipulated by this Court.

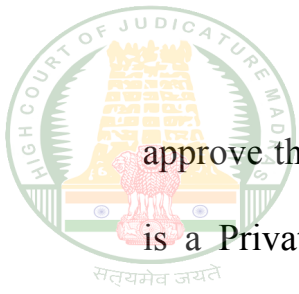
ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order in Na.Ka.No.22944/F@/2020 dated



18.01.2021 passed by the 1st respondent and consequently, to direct the respondents 1 and 2 to grant approval to the appointment of the petitioner with effect from 21.01.2010 with all monitory and attendant benefits, within the period stipulated by this Court.

2.The petitioner has undergone Ph.D., degree till 31.03.2007. Initially, the petitioner was appointed as a temporary substitute lecturer by the third respondent college on 28.09.1999. Thereafter, he was selected and appointed in the Self Finance Department on 06.08.2002 and he was selected and temporarily appointed on 15.06.2005 as a substitute lecturer in Commerce Department with effect from 16/06/2005 in the place of J.Anisha Shainnie Thangam. The petitioner's temporary appointment was approved by the University on 28/2/2006. In the academic year 1999-2000, staff fixation proceedings were passed by the 1st respondent wherein one post was permitted to be filled up in the Commerce Department for the academic year 1999-2000. Accordingly one E.Raja Justus was appointed as Assistant Professor but he resigned on 20.01.2010. For the resigned vacancy, the petitioner submitted an application and the petitioner was selected for appointment as Assistant Professor in the Commerce Department on 21/01/2010 and he joined the duty on the same day. But the said appointment was not approved and he is working in the said post for the past 10 years without any government salary. Hence, the petitioner is seeking to



approve the appointment with their retrospective effect. The third respondent college is a Private aided minority education institution. The 3rd respondent submitted a proposal for approval and the same was not considered. Hence, the petitioner filed W.P.(MD)No.10017 of 2014 and this Court directed to consider the petitioner's representation. But it came to the knowledge of the petitioner that the third respondent college has not submitted any proposal for approving his appointment on 21/01/2010. Hence, the petitioner made a representation dated 07.08.2014 to the third respondent requesting to submit an approval. Since the representation was not considered, the petitioner filed W.P.(MD)No.16810 of 2014 and this Court vide order dated 17.10.2014 directed the third respondent to forward the proposal within a stipulated time. On 01.12.2014, the third respondent submitted the proposal to the Manonmaniam Sundaranar University for approving the writ petitioner's educational qualification. On 23/12/2014, the Registrar returned the proposal to the 3rd respondent for submitting additional documents. The petitioner submitted a representation to forward the same along with the requisite educational qualification certificates. Again, no action was initiated. Hence, the petitioner filed WP.(MD)No. 9303 of 2018 and the respondents were directed to consider and pass orders. Again, the respondents did not consider the same. The petitioner filed a contempt petition in Cont.P.(MD)No.783 of 2018 and statutory notice was issued. Thereafter, the educational qualification of the petitioner was approved, vide proceedings, dated 13.12.2018. Then, the 3rd respondent college sent the proposal to the second



respondent for approval. Again, the petitioner was forced to file WP.(MD)No.23727

of 2019. This Court directed the respondents to consider and pass orders. The

respondents failed to comply. The contempt petition was once again taken up for

hearing. Under these circumstances, the respondents have passed the impugned order

rejecting the rejecting the approval. In the rejection order, the respondents have cited

4 reasons. Aggrieved over the same, the present writ petition is filed.

3.The respondents have filed a counter affidavit reiterating the same reasons.

Additionally, the respondents further stated that the vacant position for which the

petitioner is seeking approval was not available. Since the said E.Raja Justus has

returned back to the original post based on the government direction, the said E.Raja

Justus has challenged the same and the litigation was running for more than five

years. Finally, the government has passed G.O.Ms.No.5, Higher Education

Department, dated 03.01.2019 wherein it is stated that the government has allowed

the said E.Raja Justus to continue the university post and need not be transferred to

the vacant post which the petitioner is seeking. Therefore, the respondents submitted

that the petitioner's approval was not considered. Based on the above reasons, the

respondents have rejected the proposal.

4.After hearing the rival submissions, this Court perused to the documents submitted

before this Court. The petitioner is relying on the proceedings, dated 04.10.2011,



wherein the Committee has selected the petitioner. On perusing the same, it is seen that the respondents have not formally constituted a selection committee to select the candidates. However, the said proceeding is only a ratification proceedings. Based on the proceeding along with the petitioner several other persons' appointments were ratified by the Committee constituted by the college. Even though the said committee cannot be stated as a Selection Committee, the College has constituted the committee and ratified the appointment. Therefore, from the date of the committee's approval, the petitioner's candidature ought to be considered by the respondents. The reasons stated in the impugned order are that there is no constitution of Committee, interview was not conducted and paper publication was not issued. All the grounds that have been raised by the respondents for refusing approval will fail based on the ratification order. The last ground stated in the impound order is that the college has not submitted the minority approval. The said issue is settled. Once the approval is granted to the minority, the same will continue unless the management is transferred to a non minority institution. In the present case there is no such transfer, hence the approval granted would continue.

5.Further, based on G.O.Ms.No.3, E.Raja Justus is permanently posted in the University. The petitioner's post in the vacancy created by E.Raja Justus is available. Therefore, all the grounds stated by the respondents cannot hold good. Furthermore, based on the efflux of time as well as based on the above reasons the petitioner is



entitled to relief and the impugned order is set aside. The respondents are directed to grant approval to the petitioner from the date of ratification granted by the Committee, ie., 04.10.2011 and pass appropriate orders within a period of 8 weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

21-07-2026

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To

1. The Director of Collegiate Education
College Road
Chennai - 6.

2. The Joint Director of Collegiate Education
Tirunelveli Region
Tirunelveli -7.