



W.P.(MD) No.7207 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.7207 of 2026
and
W.M.P.(MD) Nos.5895 & 8956 of 2026

Gunasekaran

... Petitioner

-VS-

- 1.The Director of Collegiate Education
I.A.S.E.Campus
577, Anna Salai
Saidapet, Chennai-600 015
- 2.The Joint Director of
Collegiate Education
Madurai Region
Madurai-625 002
- 3.Ayya Nadar Janaki Ammal College
(Autonomous)
rep.by its Secretary
G.Abiruben
S/o.A.Grahadurai
Ayya Nadar Janaki Ammal
College (Autonomous)
Sivakasi, Virudhunagar District-626 124

... Respondents



W.P.(MD) No.7207 of 2026

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the second respondent the Joint Director of Collegiate Education, Madurai, made in proceedings No.Na.Ka.2260/A4/2024, dated 27.02.2026 and quash the same and consequently direct the respondent to continue the petitioner in the post of Superintendent of Ayya Nadar Janaki Ammal College, Sivakasi.

For Petitioner : Mr.N.Dilip Kumar
for Mr.S.Balamurugan

For Respondents : Mr.C.Jeganathan
Counsel for the Government of Tamil Nadu

ORDER

The brief facts that are relevant for the disposal of this writ petition are as under:

1.1. The petitioner herein was initially appointed as Record Clerk, on 18.05.2018, in the third respondent – College and the said appointment was approved by the competent authority *vide* proceedings dated 18.06.2019. Thereafter, the petitioner was promoted to the post of Typist on 06.06.2020 and thereafter, promoted to the post of Assistant on 28.12.2020. The said



W.P.(MD) No.7207 of 2026

WEB COPY

promotions were approved by the competent authority on 07.09.2020 and 21.06.2021 respectively.

1.2. It was thereafter, the case of the petitioner was considered for promotion to the post of Superintendent from the post of Assistant and accordingly, he was promoted to the post of Superintendent on 16.06.2022 and the said promotion was approved by the second respondent *vide* order dated 03.04.2023 subject to certain conditions. One such condition being subjecting the said approval to the result of the appeal filed by one Mr.K.Sheriff before the first respondent against the orders demoting him from the post of Assistant to the post of Training Instructor, which was pending before the first respondent by then.

1.3. The petitioner, having been promoted to the post of Superintendent on 16.06.2022 and pursuant to the consequential approval dated 03.04.2023, has been working as such for all these years till the date of passing of the impugned proceedings. As the appeal said to have been filed by the said K.Sheriff has been allowed by the first respondent cancelling the demotion of the said



W.P.(MD) No.7207 of 2026

WEB COPY

K.Sheriff to the post of Training Instructor, thereby nullifying his earlier promotion to the posts of Junior Assistant and Assistant dated 01.10.2009 and 01.06.2011, the second respondent herein has issued the impugned proceedings cancelling the approval granted for the promotion of the petitioner to the post of Superintendent *vide* impugned proceedings dated 27.02.2026.

1.4. It is aggrieved by the said proceedings, the petitioner has approached this Court by filing the present writ petition contending that the said order cancelling the approval of the petitioner's promotion to the post of Superintendent has been issued in violation of the principles of natural justice, while ordering recovery of salary that was paid to him in the post of Superintendent over a period of two years, thereby prejudicially affecting the interests of the petitioner.

2. This Court, having taken note of the contention that the impugned proceedings has been issued in violation of the principles of natural justice, *vide* order dated 17.03.2026 granted an order of interim stay in this matter.



W.P.(MD) No.7207 of 2026

WEB COPY

3. The respondents 1 & 2 filed a counter-affidavit along with the vacate stay petition in W.M.P.(MD) No.8956 of 2026 seeking vacation of the interim order dated 17.03.2026 passed by this Court. The counter-affidavit filed by the respondents 1 & 2 would proceed to contend that the approval granted for the promotion of the petitioner to the post of Superintendent in the third respondent – College was subject to certain conditions and on happening of one such condition, namely, Condition No.7, which is relating to the appeal filed by Mr.K.Sheriff before the first respondent and on allowing the said appeal, the said K.Sheriff is entitled to be treated as Assistant, thereby depriving the petitioner of having any post in the cadre of Assistant so as to consider his case for promotion to the post of Superintendent. In other words, the core contention of the respondents 1 & 2 is that once the approval of the petitioner to the post of Superintendent is subject to the appeal filed by the said K.Sheriff, on allowing of the said appeal, it is automatic that the approval granted in favour of the petitioner would stand cancelled and therefore, the question of affording an opportunity to the petitioner or following the principles of natural justice does not arise.



W.P.(MD) No.7207 of 2026

WEB COPY

4. Heard Mr.N.Dilip Kumar, learned counsel representing Mr.S.Balamurugan, learned counsel on record for the petitioner and Mr.C.Jeganathan, learned counsel for the Government of Tamil Nadu appearing for the respondents.

5. From the perusal of the counter-affidavit filed by the respondents 1 & 2, especially Paragraph No.15, would proceed to say that the petitioner herein was promoted to the post of Assistant in a vacancy created by improper re-designation of Thiru.K.Sheriff. Paragraph No.15 of the counter-affidavit filed by the respondents 1 & 2 is extracted hereunder for better appreciation:

“15. This Respondent specifically denies the averment in ground (xvi) that the Petitioner was fully eligible to hold the post of Superintendent. Eligibility to hold the post and entitlement to hold the post are distinct legal concepts. Even assuming the Petitioner fulfilled the educational and service qualifications prescribed for Superintendent, his entitlement to the post is contingent upon a validly subsisting vacancy in the feeder post of Assistant. Once the appellate authority has determined that the vacancy in the post of Assistant was illegally created by improper redesignation of Thiru K.Sherif, the vacancy upon which the Petitioner's upward promotion chain was built loses its legal foundation.”



W.P.(MD) No.7207 of 2026

WEB COPY

6. From the above, it is evident that the stand of the respondents 1 & 2 is very emphatic in contending that the petitioner was accommodated in the post of Assistant on the vacation of the said post by Thiru.K.Sheriff. If that is factually correct, may be the respondents are right in their stand in contending that as a consequence of allowing the appeal filed by the said K.Sheriff, the approval granted in favour of the petitioner is liable to be cancelled. But, from the materials placed before this Court, especially the order of promotion granted in favour of the petitioner to the post of Assistant *vide* Ref. No:75715/2021, dated 28.12.2020, would disclose that while the petitioner was working as Typist in the third respondent – College, he was promoted as Assistant in the said College in the place of one Mr.P.Jeyaraj, who retired from service on 31.03.2018. The said promotion of the petitioner as Assistant was admittedly approved by the competent authority. Thus, it is evident that the petitioner's case was considered for promotion to the post of Assistant in a vacancy caused due to the retirement of one Mr.P.Jeyaraj, but not in a vacancy caused due to the re-designation of the said K.Sheriff.

7. In the light of the above fact, the stand of the respondents 1 & 2 in Paragraph No.15 of their counter-affidavit, is found to be not correct. If



W.P.(MD) No.7207 of 2026

WEB COPY

the same is found not correct, then allowing of the appeal filed by the said K.Sheriff, thereby entitling him to hold the post of Assistant will have no bearing on the approval granted in favour of the petitioner for his promotion to the post of Superintendent.

8. Further, as seen from the counter-affidavit of the respondents 1 & 2, it is also noticed that there are three posts of Assistants in the third respondent – College. But, the respondents 1 & 2, having explained about two posts i.e., one post being occupied by one M.Rajendran and another post being occupied by one K.Sheriff consequent upon the appellate order, failed to explain what happened to the third post of Assistant in the third respondent – College. This also gives scope for this Court to come to the conclusion that the respondents 1 & 2 before issuing the impugned proceedings ought to have afforded an opportunity to the petitioner to explain his stand. Not only about the availability of a post in the cadre of Assistant for accommodating him, through the impugned proceedings, the respondents 1 & 2 intend to recover the salary that was paid to him while he was working as Superintendent in the third respondent – College. This is again a matter this Court is concerned with.

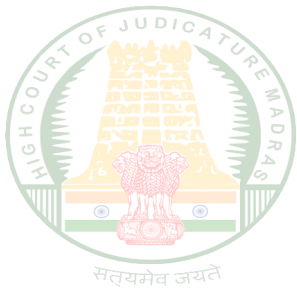


W.P.(MD) No.7207 of 2026

WEB COPY

9. Admittedly, the petitioner has discharged his functions as Superintendent on having been validly promoted and the approval of the said promotion granted by the respondents 1 & 2 for over two years. It is not known as to how the respondents are justified in recovering the salary paid to the petitioner for the service rendered by him in the post of Superintendent. At least, on this aspect, the respondents 1 & 2 ought to have afforded an opportunity to the petitioner before issuing the impugned proceedings. Though the respondents 1 & 2 have made an attempt to justify their action in issuing the impugned proceedings, in the light of the observations made herein above, this Court is of the considered view that this is a fit case where the respondents ought to have afforded an opportunity to the petitioner, instead of issuing the impugned proceedings in a mechanical manner as a consequence of allowing of the appeal filed by the said K.Sheriff, who also retired from service on 31.05.2025. All these aspects should have been gone into by the respondents 1 & 2 before issuing the impugned proceedings by duly affording an opportunity to the petitioner.

10. In the light of the above, this Court is thoroughly convinced that this is a fit case, where the respondents ought to have afforded an opportunity to the petitioner before issuing the impugned proceedings.



W.P.(MD) No.7207 of 2026

WEB COPY

Accordingly, the impugned proceedings cannot be sustained for want of complying with the principles of natural justice.

11. Accordingly, the impugned proceedings dated 27.02.2026, issued by the second respondent, is hereby quashed leaving it open to the respondents to take appropriate action strictly in accordance with law by duly affording an opportunity to the petitioner.

12. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2026

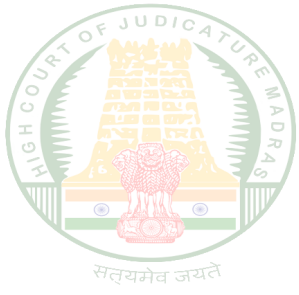
NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

1.The Director of Collegiate Education,
I.A.S.E.Campus,
577, Anna Salai,
Saidapet, Chennai-600 015.

2.The Joint Director of
Collegiate Education,
Madurai Region, Madurai-625 002.



WEB COPY



W.P.(MD) No.7207 of 2026

MUMMINENI SUDHEER KUMAR, J.

krk

W.P.(MD) No.7207 of 2026
and
W.M.P.(MD) No.5895 of 2026

13.07.2026