



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.17835, 17916 to 17922 of 2015 and 2093 of 2016
and

M.P(MD)Nos.1 and 2 of 2015 in W.P(MD)Nos.17835, 17916 to 17922 of
2015 and 1807 and 1808 of 2016 in WP(MD)No.2093 of 2016

The Secretary,
Fatima College (Autonomous),
Mary Land, Madurai-625 018,
Madurai District.

.. Petitioners in all WPS.

vs.

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of Higher Education,
Fort.St.George, Chennai-600 009.

2.The Director of Collegiate Education,
College, Road, Chennai - 600 006.

3.The Joint Director of Collegiate Education,
Madurai Region, Madurai,
Madurai District - 620 020.

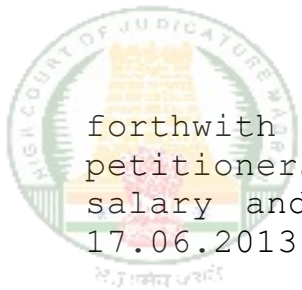
.. Respondents in all WPs

Prayer in WP(MD). 17835/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa.Thi.Mu.No. 8323/21/2015 dated 24.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of R. Sundari a Typist in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f the dated of her appointment viz., 16.06.2014.

Prayer in WP(MD). 17916/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa.Thi.Mu.No. 8322/21/2015 dated 11.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve



forthwith the appointment of L. Shanthi as Lab Assistant in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f. the date of her appointment viz., 17.06.2013.

Prayer in WP(MD). 17917/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa.Thi. Mu.No. 8325/21/2015 dated 24.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of M.Ahila as Library Assistant in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f. the date of her appointment viz., 17.06.2013.

Prayer in WP(MD). 17918/ 2015 :

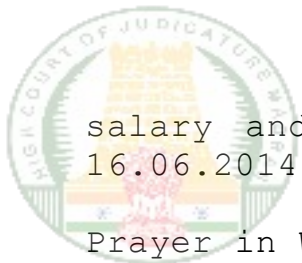
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa. Thi. Mu. No. 8328/21/2015 dated 24.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of M.Magdaline Manonmani as Record Clerk in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f. the date of her appointment viz., 16.06.2014.

Prayer in WP(MD). 17919/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director n Aa. Thi. Mu. No. 8324/21/2015 dated 24.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of P.Kaladevi as Library Assistant in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f. the date of her appointment viz., 17.06.2013.

Prayer in WP(MD). 17920/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa.Thi. Mu.No. 8327/21/2015 dated 24.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of P.Jeya as Lab Assistant in the petitioners college and disburse the grant-in-aid towards her



salary and allowances w.e.f. the date of her appointment viz., 16.06.2014.

Prayer in WP(MD). 17921/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa.Thi. Mu. No. 8326/21/2015 dated 11.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of S.Emelda Daisy as Record Clerk in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f. the date of her appointment viz., 16.06.2014.

Prayer in WP(MD). 17922/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in Aa.Thi. Mu.No. 8321/21/2015 dated 11.08.2015, Quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of K. Jeyabalaji as Lab Assistant in the petitioners college and disburse the grant-in-aid towards her salary and allowances w.e.f. the date of her appointment viz., 17.06.2013.

Prayer in WP(MD). 2093/ 2016 :

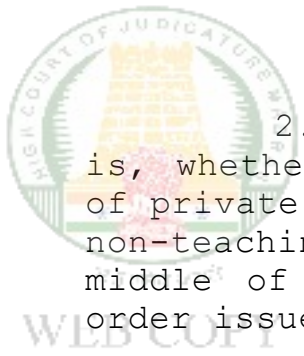
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by the 3rd respondent Joint Director in O.Mu.No.12517/A3/2015 dated 29.12.2015 and the subsequent proceedings in O.Mu.No.12537/A3/2015 dated 02.01.2016, quash the same, and further Direct the 3rd respondent Joint Director to approve forthwith the appointment of 21 non-teaching staff (Name List annexed) in the petitioners college and disburse the grant-in-aid towards their salary and allowances w.e.f the date of their appointment, and pass such further or other suitable Order/orders as this Hon'ble Court.

For Petitioner :Mr.Ragatheeshkumar in all WPS

For Respondents :Mr.R.Anandaraj,
Government Advocate, in all WPS

COMMON ORDER

Since the issue involved in all the Writ Petitions are same, these matters are taken up together and disposed of, by this common order.



2. The only issue raised in the present Writ Petitions is, whether prior permission is to be obtained by the management of private aided colleges to fill up the vacancies of teaching and non-teaching staff arising in the sanctioned Posts during the middle of the academic year in the absence of any prohibitory order issued by the Government for filling up such vacancies.

3. In this connection, it is pertinent to extract the relevant portion of the judgment of the Honourable Division Bench of this Court in *P.Ravichandran Vs. State of Tamil Nadu and Others* reported in (2013) 7 MLJ 641.

(1) There is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Tamil Nadu Private Colleges (Regulation) Rules, 1976, to seek prior permission to fill up any vacant post in an aided college, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules.

(2) If the appointment made by the College Committee in the sanctioned vacant post is in violation of any of the statutory provision, it is open to the Regional Joint Director of Collegiate Education to deny grant-in-aid to the said person appointed in the vacant post.

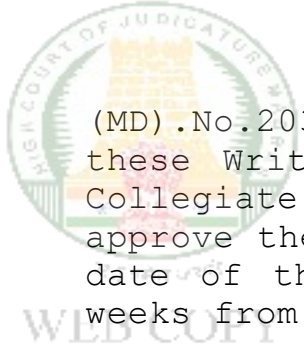
(3) The teaching staff appointed must be fully qualified, whose qualification is approved by the University to which the college is affiliated. Insofar as the non-teaching staff are concerned, the candidate must possess the qualification prescribed by the Government.

(4) The College Committee while filling up the vacant post, should follow the procedures stated in Rule 11(1A) to 11(4)(ii).

(5) If there is no rival candidate for any post, the appointment is bound to be approved for the purpose of payment of pay and allowances, by the Regional Joint Director of Collegiate Education.

The writ appeal is disposed of with the above directions. No Costs.

5. A mere reading of the above ratio laid down by this Court candidly shows that prior permission to fill up any vacant Post in an aided college, which is already a sanctioned Post, from <https://hcs.ees.ecoursgovt.in/services> under Rule 11(1) of the Tamil Nadu Private Colleges Regulation Rules, is not required. Following the afore-said order, by an order, dated 19.08.2016, this Court also disposed of W.P



(MD).No.20347 of 2014. Therefore, the orders impugned in all these Writ Petitions stand set aside and the Joint Director of Collegiate Education, Madurai Region, Madurai, is directed to approve the appointment of all the incumbents with effect from the date of their appointment respectively, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, all the Writ Petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

ssm

To

- 1.The Secretary,
The State of Tamil Nadu, Department of Higher Education,
Fort.St.George, Chennai-600 009.
- 2.The Director of Collegiate Education,
College, Road, Chennai - 600 006.
- 3.The Joint Director of Collegiate Education,
Madurai Region, Madurai,
Madurai District - 620 020.

+1 cc to Mr.T.Cibi Chakraborty, Advocate Sr.No.46102

CSL/SS2/26.9.16-5p-5C

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