



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No.3315 of 2015

and

MP (MD) No.1 of 2015

The Secretary,
Holy Cross College (Autonomous)
Nagercoil-629 004
Kanyakumari District.

... Petitioner

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,
Tirunelveli Region,
Tirunelveli District-627002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari Mandamus, to call for records relating to the impugned proceeding issued by third respondent Joint Director in A.Thi.Mu.No.14846/E3/2014 dated 02.01.2015, quash the same, and further direct the third respondent Joint Director to approve forthwith the appointment of 19 teaching staff (Name List annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f the respective dates of their appointment viz., 23.06.2014.

For Petitioner : Mr.Issac Mohanlal

For Respondents : Mr.V.Muruganandam
Additional Government Pleader

ORDER

Mr.V.Muruganandam, learned Additional Government Pleader, takes notice for the respondents and by consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.



2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner is aggrieved against the order of the third respondent dated 02.01.2015, whereby, the approval of appointing of 19 teaching staffs at the petitioner's College was rejected on the reason that the prior permission from the Director of Collegiate Education, was not obtained before filling up the said posts.

4. The issue involved in this case as to whether such prior approval is necessary for filling up the vacant posts in a private aided College is no more *res integra*, in view of the fact that the issue has already been considered and decided by the various decisions of this Court holding that no such permission to fill up the vacancy arising out of sanctioned posts is required. The decisions of Division Bench of this Court made in a case of **P.Ravichandran -vs- State of Tamil Nadu rep. by Secretary to Government, Department of Higher Education, Chennai and others** reported in (2013) 7MLJ641 and the earlier decision by the learned Single Judge of this Court (as he then was) in **Dr.S.Sukumaran -vs- State of Tamil Nadu rep.by its Secretary Higher Education, Fort.St.George, Chennai and others** reported in (2012) 5 MLJ 670 would show that no such permission is required.

5. This Court considered the very same issue in W.P(MD)No.3193 of 2015 dated 09.03.2015, and held that such condition seeking prior permission from the Directorate of Collegiate Education is not necessary.

6. Mr.V.Muruganandam, learned Additional Government Pleader, appearing for the respondents 1 to 3 fairly conceded to the said position.

7. Accordingly, by following the above said orders, this Writ Petition is **allowed** and the impugned order is set aside. Accordingly, the petitioner-College is directed to re-submit their proposal to the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of such proposal the third respondent shall consider and pass appropriate orders on the same on merits and in accordance with law within a period of eight weeks thereafter. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.,)



To

1. The Secretary to Government 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, Tirunelveli Region,
Tirunelveli District-627002.

+1cc to Mr.Isaac Mohanlal, Advocate, in SR. No.11647.

+1cc to Special Government Pleader, in SR No.11811.

W.P. (MD) No.3315 of 2015
10.03.2015

pjl
msm 13.03.2015 p3/6c