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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 1424 of 2018
and
W.M.P. (MD). No. 1482 of 2018

The Secretary,
St.Joseph's College (Autonomous),
Tiruchirapalli - 625 002.
Tiruchirapalli District. .. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secreatry,
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,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District-620 020. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent Joint Director to approve forthwith the appointment of eight teaching staff (Name List annexed) in the petitioners college and disburse the grant-in-aid towards their salary and allowances w.e.f. the respective dates of their appointments.

For petitioner : Miss.Amala
for Isaac Chambers
For respondents : Mr. K.Saravanan
Government Advocate

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O R D E R

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Mr.K.Saravanan, learned Government Advocate takes notice for the respondents.

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2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

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3. The petitioner is an aided College which is a minority institution. It is entitled to protection under Article 30 of the Constitution of India. The petitioner appointed eight candidates to various teaching posts. It is not in dispute that the appointments were made in respect of sanctioned vacancies. It is also not in dispute that the the candidates who appointed are eligible.

4. The learned Counsel appearing for the petitioner submits that the affiliating University has also accorded qualification approvals. But it appears that the stand of the respondent is that the prior permission was not obtained. It is needless to mention that this cannot be a ground for the denial of approval. It has been held by a catena of decisions that prior approval need not be obtained in such cases.

5. Therefore, the second and third respondents are directed to grant approval for the appointment of the eight teaching staff whose names have been mentioned in the writ petition with effect from the respective dates of their appointment and also disburse consequential benefits and other monetary benefits forthwith and without any delay.

6. This Writ petition is allowed accordingly. No costs. Consequently, W.M.P. (MD). No. 1482 of 2018 is closed.

Sd/-
Assistant Registrar(C.o.)

/True Copy/

Sub Assistant Registrar

To:
1.The Secreatry, 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,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District-620 020.

+1CC to M/s.Isaac Chambers, SR.No. 48715
+1CC to the Special Government Pleader SR.No.48997

ORDER MADE IN
W.P. (MD) No. 1424 of 2018
14.02.2018

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