



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.2591 of 2018

and

W.M.P. (MD) .No.2790 of 2018

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

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented 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,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District-620 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent Joint Director to approve forthwith the appointment of S.Jesuraja as Library Assistant with effect from 09.02.2012 in the petitioner's college and disburse the grant-in-aid towards his salary and allowances with effect from the respective date of his appointment.

For Petitioner : Ms.Amala

For M/s.Isaac Chambers

For Respondents : Mr..J.Gunaseelan Muthiah

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. By consent of both the parties, the main Writ Petition is taken up for final disposal.



3.The petitioner is a Minority Educational Institution. It appointed one S.Jesuraja, as Library Assistant with effect from 09.02.2012. It is not in dispute that the appointment was in respect of a sanctioned post. It is also not in dispute that the petitioner is eligible to be so appointed. The only ground on which the approval has not been granted so far is that the petitioner did not obtain the prior permission of the Department before venturing to fill up the vacancy.

4.This Court has consistently held that obtaining of such prior permission is not necessary.

5.Therefore, the third respondent is directed to approve the aforesaid appointment forthwith and also disburse the grant-in-aid towards his salary and allowances with effect from the said appointment date i.e. from 09.02.2012.

6.The Writ Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
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.

+ 1 cc TO M/S.Isaac Chambers , Advocate in SR No. 50656

tsg
AE/JC/SAR4/07.05.2018/2P/5C