



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

WEB COPY

**W.P. (MD) Nos.17640, 17645,14361 of 2015, 23133
and 23134 of 2017**

and

**M.P.Nos.1,1,1,2,2 and 2 of 2015,
W.M.P.Nos.19436, 19437, 19438 and 19439 of 2017**

In W.P. (MD) Nos.17640 of 2015

The Principal and Secretary,
Lady Doak College,
Madurai-625 002
Madurai District.

... Petitioner in WP(MD).No.17640/2015

The Secretary ,
Arul Anandar College (Autonomous),
Karumathur,
Madurai - 625 514.

...Petitioner in WP(MD).No.17645/2015

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

...Petitioner in WP(MD).No.14361/2015

The Principal & Secretary,
Lady Duck College,
Madurai 625 002.
Madurai District

...Petitioner in WP(MD).No.23133/2017

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

...Petitioner in WP(MD).No.23134/2017

Vs

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

<https://hcservices.ecourts.gov.in/hcservices/>
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.
(268, Palan Station Road,
Sellur, Madurai -2)

... Respondents 1 to 3
in all Wps.

4. Madurai Kamaraj University,
Palkalai Nagar, Madurai - 625 021.
Rep by its Registrar

... Respondent No.4 in
WP(MD).No.14361/2015

5. Dr. Mrs. D. Latha Kumari

... Respondent No.5
in WP(MD).No.14361/2015

(R5 in WP(MD).No.14361/15 is impleaded vide Court
order dated 13.12.2017 in WMP(MD).No.18548/2017)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by third respondent Joint Director in Na.Ka.No.10416/o2/2014 dated 28.07.2015, quash the same and further direct to approve forthwith the 24 teaching staff (Name list annexed) appointed in the petitioner's college and disburse the grant-in-aid towards their salaries and allowances w.e.f the respective dates of their appointments.

Prayer in WP(MD). 17645/ 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 Na.Ka.No. 2173/E3/2015 dated 30.03.2015, quash the same, and further direct the 3rd respondent Joint Director to approve forthwith the appointment of 15 teaching staff (Name List Annexed) in the petitioners college and disburse the Grand-in-aid towards their salary and allowances w.e.f. the respective date of their appointments.

Prayer in WP(MD). 14361/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ, order or direction in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by 3rd respondent Joint Director in Na.Ka.No. 7687/21/2015 dated 06.04.2015, Quash the same, and further Direct him to approve forthwith the 33 teaching Staff (Name List annexed) appointed in the petitioners college and disburse the grant-in-aid



towards their salaries and allowances w.e.f the respective dates of their appointment.

Prayer in WP(MD). 23133/ 2017 :

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 O.Mu.No.7615/03/2017 dated 28/09/2017, quash the same, and further Direct him to approve forthwith the appointment of 3 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 appointment.

Prayer in WP(MD). 23134/ 2017 :

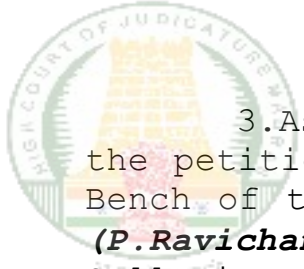
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by 3rd respondent Joint Director in O.Mu.No.8895/002/2017 dated 17.10.2017, quash the same and further Direct him to approve forthwith the appointment of 3 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 appointment.

For petitioner	: Mr. S.Saji Bino
For R-1 to R3	: Ms. S. Srimathi, Special Government Pleader
For R4	: Mr.T.Sakthikumaran

C O M M O N O R D E R

Heard Mr. S.Saji Bino, learned Counsel appearing for the petitioner, Ms. S.Srimathi, Special Government Pleader appearing for the respondents Nos. 1 to 3, Mr.T.Sakthikumaran, learned counsel appearing for the fourth respondent.

2.In all these writ petitions, minority aided education institutions are the writ petitioners. It is admitted that when sanctioned teaching vacancies arose, eligible candidates were appointed. In all the cases, Madurai Kamaraj University which is the affiliating University, accorded qualification approvals. But the Joint Director of Collegiate Education, Madurai region, declined to grant approval on the sole ground that prior permission was not obtained by the respective educational institutions before filling up the said sanctioned vacancies. According to the said authority prior permission must have been obtained from the Director of Collegiate Education. This is the only ground for passing the orders of rejection.



3.As rightly contented by the learned counsel appearing for the petitioners the issue is no longer *res integra*. The Division Bench of this Court in the decision reported in **(2013) 7 MLJ 641 (P.Ravichandran Vs State of Tamil Nadu)** held that the Director of Collegiate Education cannot insist that private aided College management should get prior permission to fill up the vacancies available in sanctioned posts.

4.Following the said decision, this Court quashes all the orders impugned in these writ petitions. The respondents 2 and 3 are directed to approve forthwith the appointments that are subject matter of these writ petitions and also disburse the grant-in-aid toward their salaries and allowances with effect from their respective dates of their appointment.

5.Accordingly, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
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.

+ 5 ccs TO Mr.Saji Bino , Advocate in SR No. 42619,42622 to 42625
+ 2 ccs TO Mr.A.Thirumurthy , Advocate in SR No. 42728,42729
+ 1 cc TO The Special Government Pleader in SR No. 42961

pnn/kmi

AE/SV MMS/SAR4/23.02.2018/4P/12C

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17645,14361 of 2015,
23133 and 23134 of 2017
17.01.2018**