



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 17.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.20890 of 2015
and
M.P.Nos.1 and 2 of 2015

WEB COPY

The Secretary,
Fatima College (Autonomous),
Mary Land, Madurai-625 018
Madurai 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,
Madurai Region, Madurai,
Madurai District - 620 020.
4. Madurai Kamaraj University,
Palkalai Nagar, Madurai - 625 021.
Rep by its Registrar

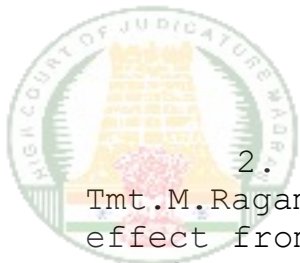
... Respondents

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 A.Thi.Mu.No.7626/E2/2015 dated ... 08.2015 (signed on 22.09.2015), quash the same and further direct him to approve forthwith the appointment of M.Ragam as Assistant Professor in Physics in the petitioner's college and disburse the grant-in-aid towards her salary and allowances w.e.f.24.09.2014.

For petitioner : Miss. Amala
for M/s. Isaac Mohanlal
For R-1 to R3 : Ms. S. Srimathi,
Special Government Pleader
For R4 : Mr.T.Sakthikumaran

ORDER

Heard Miss. Amala, 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. It is admitted that the petitioner appointed one Tmt.M.Ragam as Assistant Professor in the Department of Physics with effect from the 24.09.2014, in the vacancy caused by the resignation of the previous incumbent Mrs.A.Jegatha Christy on 05.11.2012. It is not in dispute that the vacancy is a sanctioned one and that the said Tmt.M.Ragam is eligible to be so appointed. Madurai Kamaraj University is an affiliating University to accord 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 vacancy. 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 order of rejection.

3.As rightly contented by the learned counsel appearing for the petitioner 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 the private aided College managements to get prior permission to fill up the vacancies available in sanctioned posts.

4.Following the said decision, this Court quashes the order impugned in this writ petition. The respondents 2 and 3 are directed to approve the appointment of Tmt.M.Ragam Assistant Professor in the Department of Physics in the petitioner's College with effect from 24.09.2014 and also disburse the grant-in-aid towards her salary and other consequential and attendant benefits forthwith, without any delay.

5.Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To:

1. The 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.



4. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar, Madurai - 625 021.

+1CC to M/s.Isaac Chambers, Advocate, SR.No.42620
+1CC to the Special Government Pleader SR.No.42962

W.P. (MD) No.20890 of 2015
17.01.2018

PNN/KMI
ES/SV/SAR 1/14.06.2018/3P/7C