

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD)Nos.13667 to 13669 of 2017****and****W.M.P. (MD) .Nos.10672 to 10677 of 2017**

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

... Petitioner in all Petitions

-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,
No.268, Palam Station Road,
Sellur, Madurai-625 002. ...Respondents in all the petitions

PRAYER in W.P.(MD).No.13667 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the third respondent Joint Director in O.Mu.No.4686 / 01 / 2016, dated 18.07.2016, quash the same and further direct him to approve forthwith the appointment of three teaching staff (Name list annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances with effect from the respective dates of their appointment.

PRAYER in W.P.(MD).No.13668 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the third respondent Joint Director in O.Mu.No.5327 / 21 / 16 dated 02.08.2016 quash the same and further direct him to approve forthwith the appointment of S.Uma as Assistant Professor in Economics in the



petitioner's college and disburse the grant-in-aid towards the petitioner's salary and allowance with effect from 18.06.2015.

PRAYER in W.P.(MD).No.13669 of 2018:Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the third respondent Joint Director in O.Mu.No.8888 / o1 / 16 dated 04.10.2016 quash the same and further direct him to approve forthwith the appointment of K.Sujatha as Assistant Professor in Zoology in the petitioner's college and disburse the grant-in-aid towards the petitioner's salary and allowance with effect from 12.10.2015.

In all Petitions

For Petitioner : Mr.S.Saji Bino

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

COMMON ORDER

Heard the learned counsel on either side.

2.In all these writ petitions, the writ petitioners are one and the same. It is admitted that when sanctioned teaching vacancies arose, eligible candidates were appointed. In all these 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 contended 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 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, the connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

tsg

To

1. The Secretary,
the 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,
No. 268, Palam Station Road,
Sellur, Madurai-625 002.

+1 CC TO Mr. SAJI BINO , Advocate, Sr.No. 58309
+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No. 58921

JAM/29/05/2018/ SKN-RSK/SAR 2/ 3P-6C

**W.P. (MD) Nos. 13667 to 13669 of 2017
26.03.2018**