



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.6934 of 2017

Sri Kumarakurubara Swamigal
Arts College Represented by its
Secretary
B.Baskaran.

... Petitioner

vs.

1.The Director of Collegiate Education,
E.V.K.Sampath Maligai,
College Road,
Nungambakkam,
Chennai.

2.The Joint Director of Collegiate Education,
O/o.The Joint Director of Collegiate Education,
Tirunelveli District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the communication bearing No. Na.Mu.No.3435/Aa3/2017, dated 04.04.2017 issued by the second respondent and quash the same and consequently direct the respondents to approve the appointments made by the petitioner as set out in the proposals bearing Nos.322/KGS/2016-17 to 334/KGS/2016-17 dated 17.03.2017.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> This Petition is filed seeking to quash the communication bearing No. Na.Mu.No.3435/Aa3/2017, dated 04.04.2017 issued by the second respondent and consequently direct the



respondents to approve the appointments made by the petitioner as set out in the proposals bearing Nos.322/KGS/2016-17 to 334/KGS/2016-17 dated 17.03.2017.

2. The case of the petitioner is that the petitioner College is a recognized institution, affiliated to Manonmaniam Sundaranar University, Tirunelveli. A large number of vacancies arose in the College. Hence, steps were taken to fill up the said vacancies. The approval was duly obtained for all the appointees vide communication of the Registrar of Manonmaniam Sundaranar University, dated 03.03.2017. Thereafter, the petitioner submitted a proposal dated 17.03.2017 to the second respondent. However, the same was returned by the second respondent by the impugned communication dated 04.04.2017, on the ground that the prior permission of the first respondent was not obtained. Challenging the same, the present writ petition has been filed by the petitioner.

3. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, who jointly submitted that the issue involved herein is covered by the decision of the Division Bench of this Court made in W.A.NO.2318 of 2011, dated 11.10.2013, which was also followed by this Court in W.P.No.29075 of 2016, dated 29.11.2016, wherein, in paragraph Nos.11 and 12, it is stated as follows:

"11. In the light of the finding rendered in the above decision, this Court holds that there is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Tamil Nadu Private Colleges (Regulation) Rules, 1976, to seek prior permission to fill up any vacant post in an aided College, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules.

12. Therefore, the 3rd respondent/Joint Director of Collegiate Education, Vellore, is directed to forthwith approve the appointment of 13 teaching staff (mentioned supra) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances with effect from the respective dates of their appointments. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order."

4. Following the same, this Writ Petition stands disposed of by directing the second respondent to forthwith approve the appointments made by the petitioner and disburse the grant-in-aid towards their salary and allowances with effect from the respective dates of their appointments. Such an exercise shall be completed



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within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar (CS)

To

1.The Director of Collegiate Education,
E.V.K.Sampath Maligai,
College Road,
Nungambakkam,
Chennai.

2.The Joint Director of Collegiate Education,
O/o.The Joint Director of Collegiate Education,
Tirunelveli District.

+1cc to Mr.M.E.Ilango, Advocate, SR.No.56053

+1cc to M/s.Special Government Pleader,SR.No. 56288

W.P (MD) No.6934 of 2017
22.03.2019

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