



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19777 of 2019

M/s.Thiagarajar College
(An Autonomous Institution affiliated
to Madurai Kamaraj University)
Rep. by its Secretary,
Thiru.K.Thiagarajan,
No.139-140, Kamarajar Salai,
Teppakulam,
Madurai-625 009.

... Petitioner

Vs.

1.The Director of Collegiate Education,
O/o.The Director of Collegiate Education,
DPI Campust, 9th Floor, EVK Sampath Building,
College Road,
Chennai-600 006.

2.The Joint Director of Collegiate Education,
Regional Joint Directorate of Collegiate Education,
Palam Station Road, Sellur,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to grant prior permission to the petitioner's college to fill up the 42 sanctioned non-teachings staff post by considering the proposal dated 08.07.2019 submitted by the petitioner's college, within the stipulated time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan
For Respondents : Mr.S.Dhayalan,
Government Advocate

ORDER

The petitioner filed the present writ petition directing the second respondent to grant prior permission to the petitioner's college to fill up 42 sanctioned non-teaching staff posts, by considering the proposal, submitted by the petitioner's college, dated 08.07.2019.



2.Mr.S.Dhayalan, learned Government Advocate takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner's college is a private aided co-educational institution affiliated to Madurai Kamaraj University. The institution was upgraded as an autonomous institution in the year 1987. The staff strength of the college is fixed every year based on the workload/number of periods available in each Department of Aided courses and sections as per the students strength for both the teaching and non-teaching staff. The workload norms are fixed by the Committee called 'Workload Norms Committee'. As per the norms fixed by the said Committee, the College was sanctioned with the teaching and non-teaching posts. As on 1.6.2019, 61 non-teaching staffs were fixed. Out of 61 posts, 42 posts were vacant due to the retirement, resignation, death and promotion. Each and every posts are very essential to run the college effectively. There is no provision in the private aided college for obtaining the prior permission for filling up the sanctioned post.

4. The learned counsel for the petitioner relied on the judgment in the case of ***P.Ravichandran v. State of Tamil Nadu reported in 2013(7) MLJ 641***, wherein it has been held 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 Tamil Nadu Private Colleges (Regulation) Rules, 1976.

5. According to the petitioner, the above said judgment has been followed in a number of writ petitions. Even though there is no requirement for obtaining prior permission to fill up the post of sanctioned non-teaching staffs by way of abundant caution, the petitioner has sought for prior permission to fill up the 42 sanctioned non-teaching posts in the college by submitting the representation to the respondents, on 08.07.2019.

6. Considering the materials on record and the judgment of the Division Bench of this Court reported in ***2013(7) MLJ 641 (P.Ravichandran vs. State of Tamil Nadu)***, the second respondent is directed to grant prior permission to the petitioner college to fill up the vacant sanctioned post of non-teaching staffs by considering the proposal, dated 08.07.2019 submitted by the petitioner college, within a period of two weeks from the date of receipt of a copy of this order.



7. With the above direction, the writ petition is allowed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar(CS)

To

- 1.The Director of Collegiate Education,
DPI Campust, 9th Floor, EVK Sampath Building,
College Road,
Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
Regional Joint Directorate of Collegiate Education,
Palam Station Road, Sellur,
Madurai-625 002.

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