

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 12.09.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.3723 of 2019 and
W.M.P.(MD)No.2925 o 2019**

The Secretary,
St.Mary's College (Autonomous),
Thoothukudi-628 001.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai-9.
2. The Director of Collegiate Education,
College Road, Chennai-6.
3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District – 627 008.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent / Joint Director to approve forthwith the appointment of 15 teaching staff (Name list annexed) in the petitioner college namely, St.Marys College (Autonomous), Thoothukudi and disburse the grant - in - aid towards their salary and allowances with effect from the respective dates of their appointments.

For Petitioner : Mr.K.Ragatheesh Kumar,
for M/s.Isaac Chambers.

For Respondents: Mr.S.Shaji Bino,
Special Government Pleader.
* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a minority institution. It is an Arts college. As many as 15 vacancies arose in various sanctioned posts. The petitioner appointed the following candidates on 22.11.2017 / 11.12.2017:-

S.No.	Name & Qualification	Department
1.	Tmt.X.Amala Steffi (M.A.,M.Phil., SET)	English
2.	Selvi.V.Muthukalaivani (M.A., NET)	English
3.	Dr.Tmt.J.Jane D Almedia (M.A., Ph.D., SET)	History
4.	Dr.Selvi.S.M.Vimala (M.A., M.Phil., Ph.D.,)	History
5.	Selvi.Keerthana Santhosh (M.A., NET)	History
6.	Dr.Tmt.Muthu Maha Laxmi (M.A., M.Phil., Ph.D.,)	Economics
7.	Dr.Tmt.J.Arul Jesti (M.Sc., M.Phil., Ph.D.,)	Mathematics
8.	Tmt.M.Sheeba (M.Sc., M.Phil., SET)	Physics
9.	Dr.Tmt.G.Amala Jothi Grace (M.Sc., M.Phil., Ph.D.,)	Chemistry

10.	Dr.Tmt.F.Dayana Lobo (M.Sc., M.Phil., Ph.D.,)	Botany
11.	Dr.Tmt.B.Maria Sumathi, (M.Sc., M.Phil., Ph.D.,)	Botany
12.	Tmt.S.Pauline Jenifer (M.Sc., SET)	Botany
13.	Dr.Tmt.S.R.T.Sherly Cross (M.Sc., M.Phil., Ph.D.,)	Zoology
14.	Tmt.S.Selvi (M.Sc., M.Phil., SET)	Zoology
15.	Tmt.A.Amora (M.Com., M.Phil., SET)	Commerce

3. It is also seen that Manonmaniam Sundaranar University thereafter granted qualification approval for all of them. The petitioner submitted a proposal to the third respondent for approving the respective appointments and for disbursement of grant-in-aid towards their salary. Since the authorities sat on the petitioner's application, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned Special Government Pleader submitted that if the genuineness certificates are produced, there will not be any difficulty in conceding the petitioner's request.

5. I am not able to appreciate the stand taken by the respondents. There is no dispute that the petitioner is a minority institution. Therefore, they are entitled to make appointments without getting prior permission. There is no dispute that vacancies arose as against the sanctioned posts.

6. It is also seen that Manonmaniam Sundaranar University had granted qualification approval for all the appointed candidates. This itself amounts to stating that the qualifications of the appointees are genuine. Nothing more is required. Respondents 2 and 3 are directed to approve the appointments of the petition mentioned 15 teaching staff forthwith and also disburse the grant-in-aid towards salary and allowances with effect from the respective dates of their appointments without any delay.

7. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2022

Index : Yes / No
Internet : Yes/ No
PMU

Note : Issue order copy on 14.09.2022.

To:

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai-9.
2. The Director of Collegiate Education,
College Road, Chennai-6.
3. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli District – 627 008.

G.R.SWAMINATHAN,J.

PMU

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