



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14005 of 2022

The Secretary,
Holy Cross College (Autonomous),
Teppakulam Post,
Tiruchirappalli – 620 002.

... 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 Regional Joint Director of Collegiate Education,
Tiruchirappalli Region,
Tiruchirappalli – 620 023.

... 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 promotions given to the Lab Assistants as Assistants in the petitioner college viz., X. Arockia Flora and V. Dhanalakshmi and disburse the grant-in-aid towards their salaries with effect from the respective dates of their promotion viz., 07.11.2016 and 23.06.2017 with all attendant benefits in the light of the



order of this Court in W.A (MD) No. 114 and 9 of 2020 dated 25.03.2021.

For Petitioner : Ms.A.Amala

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

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is a religious minority institution. The college management had promoted the petition mentioned Lab Assistants as Assistants in the college with effect from 07.11.2016 and 23.06.2017 respectively. A proposal was submitted to the third respondent seeking approval. Since it has not been considered till date, the present writ petition has been filed.

3. The learned counsel appearing for the writ petitioner placed reliance on the proceedings issued by the



Regional Joint Director of Collegiate Education, Madurai Region, mentioning that for the post of Assistant passing in SSLC with experience in Assistant (sic) alone is sufficient. The candidates are having the requisite educational qualification. According to the petitioner's counsel, their experience as Lab Assistants for more than three decades would meet the experience criteria also. She also drew my attention to Rule 11(4) of the Tamil Nadu Private Colleges (Regulation) Rules 1976 which states that the promotion in respect of the non-teaching staff shall be made on seniority basis if the other conditions regarding qualification are satisfied. According to the learned counsel appearing for the petitioner, there are sanctioned posts. The candidates in question are seniors and they are having the qualification along with experience and that therefore there cannot be any objection for approving the proposal submitted by the college management.

4. Per contra, the learned Special Government Pleader submitted that the post of Lab Assistant is not a feeder grade for the post of Assistant. He pressed for dismissal of the writ petition.



5. After considering the respective contentions, I am of the view that this is a case in which the department must take a categorical stand.

6. Respondents 2 and 3 are therefore directed to take a call and pass order on the petition mentioned proposal submitted by the writ petitioner on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. This writ petition stands disposed of. No costs.

19.10.2022

Index : Yes / No
Internet : Yes/ No

PMU

Note : Issue order copy on 20.10.2022.



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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 Regional Joint Director of Collegiate Education,
Tiruchirappalli Region,
Tiruchirappalli – 620 023.



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G.R.SWAMINATHAN,J.

PMU

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