



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.20872, 1254, 1255, 16808 & 16796 of 2019

W.M.P (MD) .Nos.1069 to 1072, 13411, 13413, 13401, 13402, 17454, 17456 of 2019

M.Jeyameena ... Petitioner
in W.P (MD) .No.20872 of 2019

P.Ramkumar ... Petitioner
in W.P (MD) .No.1254 of 2019

A.Anitha ... Petitioner
in W.P (MD) .No.1255 of 2019

K.M.Naveen Prakash ... Petitioner
in W.P (MD) .No.16808 of 2019

C.Jeyalakshmi ... Petitioner
in W.P (MD) .No.16796 of 2019

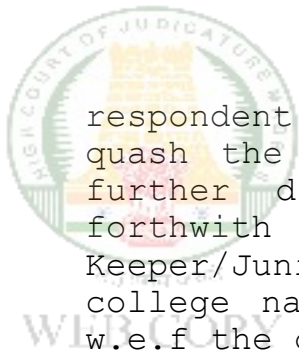
Vs.

- 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 Joint Director of Collegiate Education,
Madurai Region, Madurai-625 002.
- 4.Pasumpon Muthuramalinga Thevar College,
Usilampatti,
Madurai District-625 532,
Rep.by its Secretary. ...R1 to R4 in all writ petitions
- 5.S.R.Vanaraja ...R5 in W.P (MD) .Nos.1254 & 1255 of 2019

(R5 is impleaded in W.P (MD) .Nos.1254
and 1255 of 2019 vide order dated 04.04.2022
in W.M.P (MD) .Nos.1462 and 1463 of 2019.)

Petitions filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, calling for
the records relating to the impugned proceedings issued by the 3rd

<https://hcservices.ecourts.gov.in/hcservices/>



respondent Joint Director in O.Mu.No.12718/E3/2016 dated 02.02.2017, quash the same in so far as the petitioners are concerned and further direct the 3rd respondent Joint Director to approve forthwith the appointment of petitioners as Marker/Store Keeper/Junior Assistant/Lab Assistant/Typist in the 4th respondent college namely Pasumpon Muthuramalinga Thevar Collee Usilampatti w.e.f the date of her appointment viz. 2.12.2016 with all attendant benefits including the arrears of salary and allowance.

For Petitioners
in W.P(MD).Nos.20872,
16808 & 16796 of 2019

: Mr.G.Anto Prince

For Petitioners
in W.P(MD).Nos.1254
& 1255 of 2019

: Mr.Ragatheesh Kumar
for M/s.Isaac Chambers

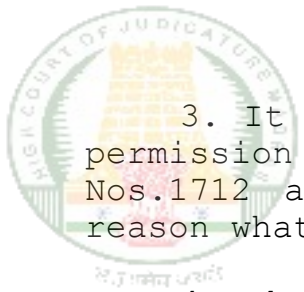
For Respondents

: Mr.G.V.Vairam Santhosh
Additional Government Pleader
for RR1 to 3
Mr.E.V.N.Siva for R4
(In all WPs)
Mr.S.Ram Sundar Vijayraj
for R5 in W.P(MD).Nos.1254
and 1255 of 2019

C O M M O N O R D E R

These writ petitions have been filed questioning the order passed by the third respondent/Joint Director of Collegiate Education declining to grant approval of appointment made by the Management of Pasumpon Muthuramalinga Thevar Collee Usilampatti, which is a private aided college.

2. The learned counsel appearing for the petitioners in W.P. (MD).Nos.1254 and 1255 of 2019 mainly contended that in respect of these two writ petitioners, prior permission was properly granted by the Competent Educational Authority. Therefore, there is no irregularity in respect of the appointment made by the Management. The learned counsel appearing for the petitioner further contended that the selected candidates are no way connected with any such irregularity and they are innocents with reference to the process of selection. The notifications were issued and pursuant to the said notifications, they have participated in the process of selection and they were appointed. Therefore, their interest is to be protected.



3. It is contended that once the permission is granted and such permission is subject to the writ petitions filed in W.P(MD). Nos.1712 and 1715 of 2015 filed before this Court, there is no reason whatsoever to deny the approval of appointment.

4. The learned Additional Government Pleader appearing for the respondent Nos.1 to 3 and the learned counsel appearing for the fifth respondent/Member of the Society objected the contention raised on behalf of the petitioner by stating that the entire process of selection was illegal, more so, 10 posts were sanctioned to the said College. However, the recruitment notification was issued for sixteen posts and therefore, the notification itself was illegal.

5. The Director of Collegiate Education, Chennai, in proceedings dated 21.01.2016 and 25.01.2016, has permitted the Management of PMT College, Usilampatti, which is an aided institution, receiving 100% grant-in-aid from Government through the third respondent to fill up the following Non-Teaching posts, duly observing the formalities in vogue.

Viz. (I) Junior Assistant	-3
Store Keeper	-1
Lab Assistant	-1
Library Assistant	-1

	-6
(II) Typist	-2
(III) Office Assistant	-2

Total	-10

6. The fourth respondent College, without getting prior permission from the second respondent and not observing the procedures/norms, had notified the vacancies through advertisement in leading dailies calling for applications, over and above the posts sanctioned by the second respondent, besides not getting the eligible list of candidates from Employment Exchange, which is a mandatory one.

7. The learned counsel appearing for the fourth respondent made a submission that no such prior permission is required.

8. However, the fact remains that the vacancies over and above sanctioned were notified. Without getting the approval of appointment to the eligible staffs in respective posts from the third respondent, the Management has *suo motu* promoted such persons as if there is a vacancy which resulted in filing of writ petition by some persons. The fourth respondent College sent 16 NTS approval proposals seeking permission from the Joint Director of Collegiate Education, after



scrutinizing and verifying all the proposals, has returned the same by vividly explaining the grounds on which it was not considered.

9. The fact remains that there was an allegation of corrupt practice in the process of selection and in this regard, a criminal case was registered against certain officials of the College including the Secretary and Correspondent of the fourth respondent College in Crime No.2 of 2017 and the charge sheet was filed in the said criminal case by the Vigilance and Anti-Corruption Wing. The case is now under trial in S.C.No.1 of 2018, on the file of the Special Court, PCR Cases, Madurai.

10. When a criminal case is pending in respect of such corrupt practice in the process of selection and the Authorities of Collegiate Education raised an objection that the issuance of notification is contrary to the permission granted by the Competent Authority namely Director of Collegiate Education, there is no reason to interfere with the order impugned at this point of time with reference to the rejection of approval of appointment to those candidates who were recruited through tainted selections. However, it is made clear that whenever any such further applications are filed, the Authorities have to scrutinize every aspect of the matter in accordance with the Act and Rules and take appropriate decision. With reference to the present writ petition, this Court do not find any infirmity in respect of the order declining the grant of approval.

11. With these observations, this Writ Petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

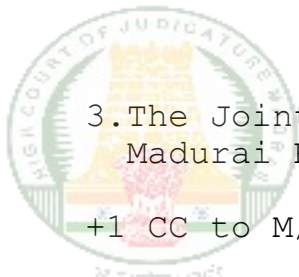
Sub Assistant Registrar(CS)

ssb

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,
Madurai Region, Madurai-625 002.

+1 CC to M/s.G. ANTO PRINCE, Advocate (SR-18511[F] dated 13/04/2022)

+2 CC to M/s.ISAAC CHAMBERS, Advocate (SR-18813 & 18814[F]
dated 13/04/2022)

+2 CC to M/s.VEERA ASSOCIATES, Advocate (SR-18512 & 18519[F]
dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18124[F] dated 12/04/2022)

W.P. (MD) Nos.20872, 1254, 1255, 16808 & 16796 of 2019

11.04.2022

ck(CO)

GC(29.04.2022) 5P 10C