



WP(MD)Nos.24518 of 2018 & 11381 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)Nos.24518 of 2018 & 11381 of 2022

and

W.M.P.(MD)No.22227 of 2018 & 8095 of 2022

The Secretary,
St.Joseph's College (Autonomous),
Tiruchirapalli – 625 002,
Tiruchirapalli District.

...Petitioner in both Wps.

/vs./

1.The State of Tamil Nadu,
Represented 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,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District – 620 020.

...Respondents in both Wps.

PRAYER in W.P.(MD)No.24518 of 2018: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent Joint Director to approve forthwith the appointment of 7 teaching



WP(MD)Nos.24518 of 2018 & 11381 of 2022

staffs (Name List annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f. the respective dates of their appointment.

PRAYER in W.P.(MD)No.11381 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent Joint Director to approve forthwith the appointment of 10 teaching staffs (Name List annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f. the respective dates of their appointment.

For Petitioners : Mr.Isaac Mohanlal (In both WPs)
for M/s.Isaac Chambers

For Respondents : Mr.V.Nirmal Kumar (In both WPs)
Government Advocate

COMMON ORDER

The petitioner herein is a minority Aided Educational Institution. After they had appointed seventeen (17 in total) Assistant Professors in various departments, they had submitted proposals to the respondent Department on 24.04.2018 and 08.12.2021, seeking for approval of their appointments. When the proposals were kept pending indefinitely without consideration, the present



WP(MD)Nos.24518 of 2018 & 11381 of 2022

writ petitions have been filed seeking for a direction to the Director of Collegiate Education and the Joint Director of Collegiate Education, to approve forthwith the appointment of 17 teaching staff, in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f. the respective dates of their appointment.

2.The issue is as to whether the proposals require to be considered, is based on the factual findings and hence, this Court, exercising its powers under Article 226 of the Constitution of India, may not be justified in stepping into the shoes of the Director of the Collegiate Education, for the purpose of granting approval.

3.Nevertheless, the predominant fact, that requires to be considered on such proposals, is as to whether the sanctioned posts, for which appointments have been made, were available and whether the candidates possessed the approved qualifications, or not? This Court is of the view that if the Director of Collegiate Education is directed to consider the petitioner's proposals on these aspects and dispose of the same and pass appropriate orders on the same, within a stipulated time, the ends of justice could be secured.



WP(MD)Nos.24518 of 2018 & 11381 of 2022

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4. Accordingly, there shall be a direction to the Director of Collegiate Education, Chennai, the second respondent herein, to pass appropriate orders on the petitioner's proposals, dated 24.04.2018 and 08.12.2021, on its own merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. This Writ Petitions stand ordered accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.08.2022

Index : Yes / No
Internet : Yes / No
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WP(MD)Nos.24518 of 2018 & 11381 of 2022

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To:

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Department of Higher Education,
Fort St.George, Chennai – 600 009.
- 2.The Director of Collegiate Education,
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- 3.The Joint Director of Collegiate Education,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District – 620 020.



WP(MD)Nos.24518 of 2018 & 11381 of 2022

M.S.RAMESH, J.

Sm

Common Order made in
W.P.(MD)Nos.24518 of 2018 & 11381 of 2022

Dated:
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