



W.P.(MD)No.3873 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.3873 of 2024

Dr.S.Sophia Christina
Assistant Professor,
Department of English,
St.John's College,
Palayamkottai - 627 002
Tirunelveli District.
Petitioner

...

VS.

- 1.The Director of Collegiate Education,
College Road, Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.
- 3.The Correspondent cum Secretary,
St.John's College, Palayamkottai,
Tirunelveli - 627 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the first respondent in Na.Ka.No.21992/F4/2023 dated 08.11.2023, quash the same and further direct the first and second respondents to approve the appointment of the



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petitioner as Assistant Professor (English) in the third respondent College and sanction and disburse the grant in aid to the petitioner towards her salary and all other benefits *w.e.f.* 02.12.2020.

For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1, R2

No appearance for R3

ORDER

Heard Mr.Sophia Christina, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 and 2.

2. The petitioner has filed this petition seeking a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the first respondent in Na.Ka.No.21992/F4/2023 dated 08.11.2023, quash the same and direct the first and second respondents to approve her appointment as Assistant Professor (English) in the third respondent College; sanction and disburse the grant-in-aid to her towards her salary and all other benefits *w.e.f.* 02.12.2020.



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3. The petitioner was appointed as an Assistant Professor (English) in the third respondent College, which is a minority institution, on 02.12.2020. In pursuance thereof, the third respondent College forwarded a proposal to Manonmaniam Sundaranar University seeking educational qualification approval for the petitioner's appointment in the post of Assistant Professor (English). The University had granted educational qualification approval to the petitioner vide proceedings dated 06.04.2023.

4. Subsequently, on 02.05.2023, the third respondent College had forwarded a proposal to the second respondent for approval of the petitioner's appointment as Assistant Professor (English). Since there was no response, the petitioner submitted a representation to the first respondent through respondents 2 and 3 and the same also did not evoke any response. Hence, she filed a writ petition in W.P.No.19495 of 2023 before the Principal Bench of this Court, wherein, by order dated 03.06.2023, the first respondent therein was directed to dispose of the proposal submitted by the College within a period of eight weeks from the



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date of that order. Since the above order has not been complied by the first respondent therein, the petitioner has filed a Contempt Petition in Cont.P.No.2568 of 2023.

5. Only after the filing of the Contempt Petition, the first respondent passed the impugned order dated 08.11.2023 rejecting the proposal submitted by the third respondent College seeking approval for the petitioner's appointment stating that the third respondent College had filled up the post of Assistant professor (English) without obtaining prior permission. Challenging the same, the present writ petition is filed.

6. This issue has already been dealt in detail by a Hon'ble Division Bench of the Principal Bench of this Court in the case of ***P.Ravichandran vs. State of Tamil Nadu, rep. by Secretary to Government, Department of Higher Education, Fort St.George, Chennai and others reported in 2013 5 LW 514*** and the following conclusion has been arrived.



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"20. In the light of the above findings as well as the decisions, we conclude this Judgment in the following manner:

(1) 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 Rules.

(2) If the appointment made by the College Committee in the sanctioned vacant post is in violation of any of the statutory provision, it is open to the Regional Joint Director of Collegiate Education to deny grant-in-aid to the said person appointed in the vacant post.

(3) The teaching staff appointed must be fully qualified, whose qualification is approved by the University to which the college is affiliated. Insofar as the non-teaching staff are concerned, the candidate must possess the qualification prescribed by the Government.

(4) The College Committee while filling up the vacant post, should follow the procedures stated in Rule 11(1A) to 11(4)(ii).

(5) If there is no rival candidate for any post, the appointment is bound to be approved for the purpose of payment of pay and allowances, by the Regional Joint Director of Collegiate Education."



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7. The petitioner's appointment in the post of Assistant Professor (English) was not approved by the first respondent on the sole ground that the third respondent College had not obtained permission before filling up the said post. In the above *cited* decision, it is clearly held that there is no requirement to seek prior permission to fill up any sanctioned vacant post in an aided college. In the instant case, it is not in dispute that the appointment of the petitioner was made in respect of sanctioned vacancy. Manonmaniam Sundaranar University had also granted qualification approval to the petitioner which would show that the petitioner is eligible and qualified to be appointed as Assistant Professor (English) and hence, I feel that the impugned order passed by the first respondent is not sustainable.

8. In view of the above observations, the writ petition is **disposed of** and the impugned order of the first respondent in Na.Ka.No. 21992/F4/2023 dated 08.11.2023 is quashed. The first respondent is directed to consider the proposal of the third respondent College dated



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02.05.2023 afresh and pass orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

- 1.The Director of Collegiate Education,
College Road, Chennai - 600 006.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.



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R.N.MANJULA, J.

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