



W.P.(MD).No.17877 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17877 of 2024
and WMP(MD) No.15338 & 15341 of 2024

The Secretary,
St.Ignatins College of Education,
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.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the the records relating to the impugned proceedings issued by the 2nd respondent Joint Director of Collegiate Education in Ni.Mu.No.3239/E2/2017 dated 04.05.2018, quash the same, in so far as it restricts the approval of appointment of S.Arul Immaculate Roseline as Office Assistant in the petitioner college w.e.f. 23.02.2018 instead of from the actual date of her appointment viz., 01.09.2016 and further direct the 2nd respondent Joint Director to approve



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forthwith the appointment of S.Arul Immaculate Roseline as Office Assistant w.e.f. the date of her initial appointment viz., 01.09.2016 in the petitioner College and disburse grant-in-aid towards her salary and other consequential attendant benefits.

For Petitioner : Ms.M.F.Rooshi Maas

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Ms.M.F.Rooshi Maas, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.The petitioner has filed this petition challenging the impugned proceedings issued by the 2nd respondent in Ni.Mu.No.3239/E2/2017 dated 04.05.2018 and to approve the appointment of S.Arul Immaculate Roseline as Office Assistant in the petitioner college w.e.f. 23.02.2018 instead of from the actual date of her appointment viz., 01.09.2016.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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4. On 01.09.2016, one S.Arul Immaculate Roseline has been appointed by the petitioner as an Office Assistant. When the proposal was sent to the second respondent for approval, it has been granted only with effect from 23.02.2018 and not from the date of date of appointment.

5.The learned counsel for the petitioner submitted that the said S.Arul Immaculate Roseline has been appointed as an Office Assistant as early as on 01.09.2016, the approval has been given only from 23.02.2018, is not correct. The learned counsel for the petitioner further submitted that the approval has been given from the date on which permission was granted for approval of appointment and it is not from the date of appointment.

6.The above issue is no more *res-integra* and this Court has dealt with similar case in W.P(MD) No.19978 of 2022, dated 18.06.2024 and held that prior permission for minority institution is not required, since the post is a sanctioned post.



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7.The respondents do not find any objection as to the status of the petitioner stand that it is a minority institution.

8.In view of the same, the approval ought to have been given from the date of appointment and not from the date of according any permission. In this regard, it is relevant to refer the earlier judgment of this Court in W.P(MD) No.19978 of 2022, dated 18.06.2024, wherein, this Court referred the decision of ***P.Ravichandran Vs State of Tamil Nadu reported in 2013(7) MLJ 641.***

9.Since the issue raised in this petition is similar to the issue dealt in that petition, the impugned order Ni.Mu.No.3239/E2/2017 dated 04.05.2018 is hereby quashed and the 2nd respondent is directed to approve the appointment of S.Arul Immaculate Roseline as Office Assistant in the petitioner college w.e.f. the date of her initial appointment viz., 01.09.2016 and disburse the grant-in-aid towards her salary and other consequential attendant benefits.



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10. Accordingly, this petition stands allowed. No costs.

Consequently connected miscellaneous petitions are closed.

31.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

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.

PNM

ORDER IN
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