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W.A.No.2613 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2613 of 2025

1. The State of Tamil Nadu
Rep. by its Principal Secretary
Department of Higher Education
Fort St. George, Chennai – 600 001.

2. The Directorate of Technical Education
Rep. by its Director
53, Sardar Patel Road
Guindy, Chennai – 600 025.

.. Appellants

Vs.

P.T. Lee Chengalvarayan Naicker Polytechnic College
Rep. by its Principal, Vepery
Chennai – 600 007.

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 28.03.2024 made in W.P.No.31189 of 2023.

For the Appellants : Mr.A.Selvendran
Special Government Pleader

For the Respondent : Mr.E.Manoharan



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JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

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This intra-Court appeal has been directed against the order passed by the Writ Court dated 28.03.2024 made in W.P.No.31189 of 2023.

2. That the respondent, namely, P.T.Lee Chengalvaraya Naicker Polytechnic College, where some posts of non-teaching staff became vacant. In order to fill up the posts, a Committee was constituted, that is called the Governing Council of the Polytechnic College, headed by the Chairman of the Governing Council and as per the Rule which is in vogue, one nominee of the Commissioner of the Technical Education or the Director of Technical Education should be included in the Selection Committee and such a nominee, even though has been sought from the second appellant, since has not been made available, the Selection Committee proceeded to complete the selection and appointments have been made for such non-teaching staff and these appointments, when were forwarded to the appellants for approval, had not been approved. Therefore, the rejection order given by the appellants dated 08.05.2023 was put under challenge before the Writ Court and the Writ Court has allowed the said writ petition through the impugned order dated 28.03.2024.



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3. Heard *Mr.A.Selvendran*, learned Special Government Pleader, appearing for the appellants, who would submit that, when there has been a specific direction given in this regard that the nominee of the Director of Technical Education must be included in the Selection Committee, without having such a nominee, since the Selection Committee proceeded to complete the selection, the entire selection is vitiated. Therefore, on that ground, the approval sought by the College has been turned down by the order dated 08.05.2023, which is fully justifiable and in accordance with the Rules which are in vogue, however, the learned Writ Court has set aside the communication dated 08.05.2023 and allowed the writ petition, which is an erroneous approach on the part of the Writ Court. Hence, the learned Special Government Pleader seeks indulgence of this Court.

4. Heard *Mr.E.Manoharan*, learned counsel for the respondent also.

5. We have gone through the order which is impugned herein. The learned Judge has recorded that, at least, more than two times, the Committee or the College's Governing Council has sent communication to the second appellant, that is the Director of



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Technical Education, to send a nominee to be included in the Selection Committee, however, there has been no response and no nominee has been made in this regard. Therefore, the Selection Committee could not await endlessly for proceeding with the selection and therefore, the selection was completed.

6. Yet another factor that has to be noted herein is that, the Chairman of the Governing Council is none other than a former Judge of this Court. Therefore, in that capacity, he headed the Selection Committee and under whose leadership only the Selection Committee was constituted and it completed the selection process for the sanctioned vacant posts of non-teaching staff of fifteen in numbers and therefore, such selection cannot be flawed or cannot be said to be flawed for any other reason.

7. Moreover, it is not a case of the appellants that the selection is otherwise flawed, except to state the reason that the nominee of the second appellant has not been a part of the Selection Committee. The non-participation of the nominee of the second appellant in the selection process is not a case of fault on the part of the Selection Committee, but because of the inaction on the part of the second respondent in failing to nominate such a



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nominee, despite the same being asked for by the Selection Committee at least twice. Therefore, absolutely, there has been no impediment for going ahead with the selection by the Selection Committee, which is duly constituted.

8. Therefore, the selection since has been made properly, that too by the Selection Committee headed by a former Judge of this Court, no finger could be shown and in fact, nothing has been shown by the appellants on the method adopted by the Selection Committee, except for one reason that the nominee of the second appellant has not been made as one of the party to the Selection Committee.

9. The said reason cannot be attributed on the part of the College Management or the Governing Council or the Selection Committee and even that reason cannot stand in the way to squat from getting approval for the fifteen selectees, which is sought by the College.

10. In that view of the matter, the approach, reasoning and the conclusion reached by the learned Judge through the impugned order is fully justifiable and cannot be found fault with. Resultantly,



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the appeal fails and hence, it is liable to be dismissed and accordingly, it is dismissed.

11.1. However, in future, if any such request is made, either by the present College or any other similarly placed Institution, to get nominees from the second appellant's Office, such request should be immediately responded then and there and the nominee be nominated within a period of fifteen days from the date of receipt of such communication.

11.2. Despite this direction, if no nominee is appointed or nominated by the second appellant, to be a part of the Selection Committee in such selection process, the concerned Selection Committee could go ahead with the selection and complete the same.

11.3. But, at the same time, without sending a letter in writing to the Director of Technical Education by the College's Governing Council or Selection Committee to get a nominee from the Director of Technical Education, the Selection Committee, under any circumstances, shall not proceed to go for the selection.



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12. With these observations and directions, the writ appeal is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.20885 of 2025 is closed.

(R.S.K., J.) (H.C., J.)
17.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

(drm)

To:

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The State of Tamil Nadu
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