



WP No. 6856 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 6856 of 2025

AND

WMP NOS.7545 & 7547 OF 2025

1. The Secretary And Correspondent
Loyola College (Autonomous),
Nungambakkam, Chennai-600 034

Petitioner(s)

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 Regional Joint Director Of
Collegiate Education, Chennai Region
Chennai-600 015

4.The University Of Madras
Rep By Its Registrar, Chepauk,
Chennai-600 005

Respondent(s)



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PRAYER

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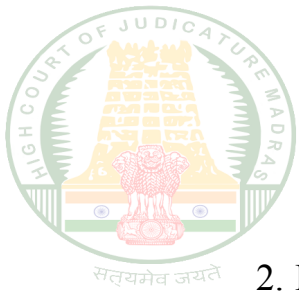
Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 3rd respondent The Regional Joint Director in Mu.Mu.No.4492/A1/2023 dated 27.1.2025 (as signed) quash the same and further direct the 3rd respondent The Regional Joint Director to approve forthwith the appointment of 19 Assistant Professors (Name List annexed) in the petitioner's college and disburse the staff grant towards their salary and allowances with effect from the respective dates of their appointments.

For Petitioner(s): Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

For Respondent(s): M/s.C.Jaya Prakash
GA For R1 To R3

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order issued by the 3rd respondent The Regional Joint Director in Mu.Mu.No.4492/A1/2023 dated 27.1.2025 (as signed) quash the same and further direction to the 3rd respondent The Regional Joint Director to approve forthwith the appointment of 19 Assistant Professors (Name List annexed) in the petitioner's college and disburse the staff grant towards their salary and allowances with effect from the respective dates of their appointments.



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2. Heard Mr.Isaac Mohanlal, learned Senior Counsel appearing on behalf of the petitioner and Mr.C.Jayaprakash, learned Government Advocate appearing for the respondents.

3. The learned Senior Counsel would contend that the petitioner-college submitted 19 separate proposals to the 3rd respondent on 08.02.2019 and 28.11.2020 for appointment of 18 Assistant Professor and one Librarian. It is the submission of the learned Senior Counsel that the 2nd respondent has already sanctioned 32 posts under various letters on 08.01.2021. It is the further submission of the petitioner that the petitioner-College has total sanctioned posts of 149 Teaching staffs and 59 non-Teaching staffs, thus the College have every right to fill up the sanctioned posts with their qualification approval from Madras University. However, the respondent by referring with erroneous usual reasons, returned the proposal. The learned Senior Counsel would further submit that the petitioner-Institution is the Minority Institution and the reason assigned for the return of proposal is bad in law. Hence, prayed to allow this writ petition.

4. Per contra, the learned Government Advocate would contend that though the proposal is received from the respondent, the same was not in accordance with law. Hence, by informing the reason for reneging the proposal, the impugned order was served upon the petitioner. The learned Government



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Advocate would submit that the petitioner-College, being a Minority institution, has to follow the Law of the Land qua Tamil Nadu Private Colleges Regulation Act, 1976. It is the further submission of the learned Government Advocate that the petitioner has to annex the Governing body Resolutions and that they did not enclose the details of mark as to how they have selected the prospective appointees. Hence, prayed to dismiss the writ petition.

5. I have given my anxious consideration to either side submissions.

6. Now the short point to be considered is, whether the reason assigned in the impugned order dated 27.01.2025 for rejecting the petitioner's proposal is in accordance with law?. In order to adjudicate the said position, it is appropriate to extract the reason for the rejection. In paragraph 9 of the counter statement, the 3rd respondent has extracted the reasons for rejection. For ready reference, the same is extracted hereunder:-

“9. It is submitted that the 3rd respondent, The Joint Director of Collegiate Education rejected the approval of the appointment of 19 Assistant Professor vide impugned order in the following grounds:

- i) *The details of the number of posts determined for the college in the year 1999-2000 based on workload has not been given.*
- ii) *The details regarding staff who have worked from the year 1999 to the date of present appointments made and whether any approval was given for*



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such appointments were not mentioned.

- iii) *The details of the total number of Assistant/Associate Professors presently working and the details regarding vacancy.*
- iv) *The Posts have been filled up without obtaining financial approval as provided under Rule 11(1) of the Tamil Nadu Private College's (Regulation) Act, 1976.*
- v) *At the time of appointment Form 7(A) under rule 11(2) of the Tamil Nadu Private College's (Regulation) Act 1976 has not been furnished.*
- vi) *The copy of the resolution of the college committee in relation to these appointments have not been furnished.*
- vii) *As per G.O.(Ms) No.44, Labour and Employment (T2) Department dated 11.03.2015 advertisement should have been made in English and Tamil dailies. However, the details of paper advertisement in Tamil daily alone has been furnished. The details of paper advertisement in English daily has not been given.”*

Let us proceed to answer the legality of the reason for rejection one after another.

7. Coming to the staff structure of the year 1999-2000 based on workload and the details regarding the staff who were working from 1999 is concerned, it is not in serious dispute about the recent sanction of 32 posts under various Government letter dated 08.01.2021. Apart from that, it is also equally not in



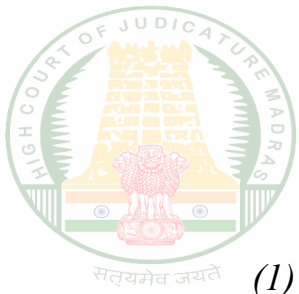
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serious dispute that the college has a total sanctioned strength of 149 Teaching posts and 59 non-Teaching posts. Therefore, the reason for rejection requiring the petitioner to provide the number of posts for the year 1999-2000 is irrelevant. What the petitioner seeks is merely for the approval of 19 sanctioned posts, out of 149 total sanctioned posts. Thus, the detail sought for has no relevance to consider the petitioner's proposal.

8. The other aspect is based upon the ground of not following the various Rules of the Tamil Nadu Private Colleges Regulation Act, 1976. The 3rd respondent has rejected the proposal on the ground that the financial approval has not been obtained and Form 7A, Rule 11(2) of the Tamil Nadu Private Colleges Regulation Act has not been followed. In this regard, the learned Senior Counsel relied upon the Division Bench judgment of this Court in ***P.Ravichandran Vs. State of Tamil Nadu and 2 others [WA.No.2318 of 2011]***, wherein the Hon'ble Division Bench of this Court has elaborately gone into various aspects, ultimately concluded that it is not open to the approving Authority to compel the Educational Institution to get a prior permission from the Director of Collegiate Education to fill up the vacant sanctioned posts. The Hon'ble Division Bench of this Court after referring various judgments, has ultimately arrived at a conclusion in paragraph 20, which reads as follows:-

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



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(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.*

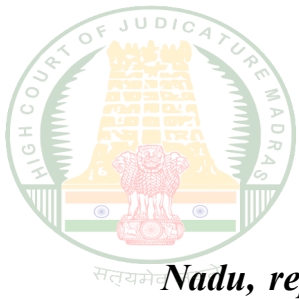
(3) *The teaching staff appointed must be fully qualified, whose qualification is approved by the University to which the college is affiliated. Insofar as the non-teaching staff are concerned, the candidate must possess the qualification prescribed by the Government.*

(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.”*

9. According to the above proposition, even for non Minority Institution, there is no requirement to seek a prior permission under the Tamil Nadu Private Colleges Regulation Act. Therefore, the rejection on the above ground, that too against the Minority Institution is liable to be assailed.

10. In the Division Bench order in ***WP.Nos.34434 of 2008 etc., batch (The Forum of Minority Institutions and Associations Vs. The State of Tamil***



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Nadu, represented by the Joint Director of Collegiate Education and others)
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at paragraphs 59 and 60, it has been held that the Minority Institution can regulate their process of selection. It was further observed in the above judgment that the State's Regulatory Power in Minority Colleges is restricted to the prescription of qualification, which cannot extend to the methodology of the recruitment and constitution of Selection Committee. Therefore, the reason assigned for rejection namely, non-furnishing of the vacancy position by itself cannot be a ground to renege the proposal. As a matter of fact, the impugned order did not dispute the sanction of those posts. The next ground of rejection, namely the non-furnishing of College Committee Resolution, would lose its significance when there is no serious dispute as to the sanction of the post. Therefore, those reasons are unreasonable and has given to unreasonably reject the proposal.

11. For ready reference, this Court deems it appropriate to extract paragraphs 26 & 57 of the above judgment as under:-

“26. It is the further contention of the learned Counsel for the Petitioner that in the matter of selection and appointment of teaching staff, the State's regulatory power in Minority Colleges is restricted to the prescription of qualification, which cannot extend to the prescription of methodology of recruitment, constitution of Selection Committee, etc. The contention of the learned Counsel for the Petitioner was that right to administer contains four essential elements:

(a) Right to constitute the Managing Committee/Governing Body



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with persons on whom the founders have faith and confidence.

(b) Right to select and appoint teachers of choice having not only general qualifications (educational and experience), but compatibility with the minority's ideals, aims, aspirations, outlook, philosophy, language, religion and culture.

(c) Right to admit students of their choice with due regard to merit.

(d) Right to use the assets and properties for the benefit of the institution. Therefore, the right to administer to have a Selection Committee of their choice to administer the Minority

Institutions cannot be regulated by the Regulations in case of Minority Institutions.”

“57. The Hon'ble Supreme Court was further pleased to lay down that extension of Regulations by the state, permissible in respect of employees of minority educational institutions receiving aid from the State could only be to:

i. the minimum qualifications, experience and other criteria bearing on merit, for making appointments.

ii. the service conditions of employees without interfering with the overall administrative control by the management over the staff,

iii. a mechanism for redressal of the grievances of the employees,

iv. the conditions for the proper utilisation of the aid by the educational institutions, without abridging or diluting the right to establish and administer educational institutions.

All laws made by the State to regulate the administration of educational institutions and grant of aid will apply to minority educational institutions also. But if any such Regulations interfere with the overall administrative control by the management over the staff, or abridges/dilutes, in any other Manner; the right to establish and administer educational institutions, such Regulations, to that extent, will be inapplicable to Minority Institutions.”

12. The yet another ground namely, the issuance of paper publication for recruitment is concerned, the position has been settled by the Hon'ble Division Bench of this Court in (i) **WA.No.586 of 2025 [The State of Tamil Nadu and 2**



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others Vs. The Principal & Secretary and another] and (ii) *WA.Nos.2096 and 2124 of 2019 [The State of Tamil Nadu Vs. The Secretary, Nirmala College for Women]*, wherein the Hon'ble Division Bench has held that the Tamil Nadu Private College Regulation Act is not applicable to the minority institution. In view of the same, even the absence of recruitment notification as required under the Tamil Nadu Private College Committee Regulation would go. Hence, this Court is of the firm view that the rejection of the proposal is liable to be quashed.

13. In the result this writ petition stands allowed as prayed for and the impugned order dated 27.01.2025 is hereby quashed. The 3rd respondent is directed to approve the proposal of the petitioner, within a period of three(3) months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected WMPs are also closed.

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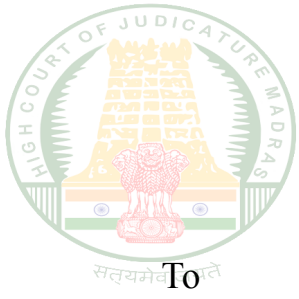
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Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No



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