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W.P.No.6797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6797 of 2025

and

W.M.P.Nos.7481 & 7484 of 2025

M.Rabinson

.... Petitioner

Vs

1.The Government of Tamil Nadu
Rep by its Secretary,
Higher Education Department,
Fort St George, Chennai.

2.Government of Tamilnadu
Rep by its Secretary,
Labour And Employment Department,
Fort St George, Chennai

3.Director of Collegiate Education,
I.A.S.E Campus,
577 Anna Salai,
Saidapet, Chennai 600 015.

4.Regional Joint Director of Collegiate Education
Tirunelveli Region,
Tirunelveli

5.Secretary cum Correspondent
Sarah Tucker College, Tirunelveli 627 002.

.... Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution praying to issue a Writ of Declaration, to declare that G.O.Ms.No.44 Labour and Employment (T2) Department dated 11.03.2015 is not applicable to the petitioner and consequential call for the records to quash the order passed by the 4th respondent bearing Na Ka No. 5875/Aaa3/2024 dated 07.10.2024 and direct the 3rd and 4th respondents to approve the petitioner's appointment and pay the arrears of salary w.e.f 18.12.2017.

For Petitioner : Mr.E.Martin Jaya Kumar

For R1 to R4 : Mr.V.Jeevagiridharan
Additional Government Pleader

For R5 : Mr.K.Subbu Ranga Bharathi

ORDER

This Writ Petition has been filed challenging G.O.Ms.No.44, Labour and Employment (T2) Department, dated 11.03.2015, insofar as its applicability to the petitioner and also the subsequent order passed by the fourth respondent dated 07.10.2024, thereby rejecting the proposal sent by the fifth respondent for approval of the petitioner's appointment as Typist.

2.Heard the learned counsel appearing on either side and perused the materials available on record.



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3.The petitioner is qualified for appointment as a typist. The fifth

respondent appointed the petitioner as Typist to the sanctioned vacancy caused by the promotion of one A.Helen Rani Vasanthakumari with effect from 18.12.2017. The fifth respondent College is an aided institution responsible for the payment of salaries and fixation of staff of the college. After the appointment of the petitioner, the fifth respondent submitted a proposal to the fourth respondent seeking approval of the petitioner's appointment from the date of her joining. However, the same was rejected by relying upon the G.O.Ms.No.44, Labour and Employment (T2) Department, dated 11.03.2015. The Government states that the aided institutions, before filling up the vacancy in any post, are required to publish a notification inviting applications from eligible candidates, obtain the approval of the competent authority, and annex Form 7C along with the proposal.

4.The learned counsel appearing for the petitioner would submit that no legal proposition has been laid down that the selection process must be conducted through advertisement. It is for the management of the minority educational institution to choose the modality for selecting the qualified persons for appointment. In the absence of any requirement to publish an

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advertisement in newspapers, the approval of the petitioner's appointment cannot be withheld. That apart, the learned counsel also produced the approval of the College Committee along with Form 7C in support of the appointment of the petitioner as Typist to the sanctioned vacancy.

5.Insofar as G.O.Ms.No.44 Labour and Employment (T2) Department, dated 11.03.2015 is concerned, it is not applicable to minority institutions in the absence of any specific provisions requiring advertisement of posts while filling up the vacancies by direct recruitment. Therefore, the said Government order is not applicable to a minority institution such as the fifth respondent herein.

6.In view of the above, the G.O.Ms.No.44, Labour and Employment (T2) Department, dated 11.03.2015, insofar as its applicability to the petitioner and the subsequent order passed by the fourth respondent dated 07.10.2024, are hereby quashed. The fifth respondent is directed to submit a fresh proposal to approve the appointment of the petitioner to the post of Typist from the date her appointment i.e., on 18.12.2017 along with all requisite documents, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the fourth respondent shall

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approve the appointment of the petitioner to the post of Typist from the date of her appointment i.e., on 18.12.2017 and disburse the salary and other benefits, within a period of six weeks thereafter.

7. With the above direction, this Writ Petition stands allowed.

Consequently, connected miscellaneous petitions are closed. No costs.

24.11.2025

Index: Yes/No
Neutral Citation: Yes/No
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To

1. The Secretary,
Higher Education Department,
Fort St George, Chennai.

2. The Secretary,
Labour And Employment Department,
Fort St George, Chennai

3. Director of Collegiate Education,
I.A.S.E Campus,
577 Anna Salai,
Saidapet, Chennai 600 015.

4. Regional Joint Director of Collegiate Education
Tirunelveli Region,
Tirunelveli

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