



WEB COPY



W.P.No.11854 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11854 of 2025 and

WMP.No.13416 of 2025

1.DR.S.DAPHNE REBEKAL

2.DR.S.MICHLIN RUPHINA MARAGATHAM

... Petitioners

Vs.

1.THE DIRECTOR OF COLLEGIATE EDUCATION,
I.A.S.E CAMPUS, 577, ANNA SALAI,
SAIDAPET, CHENNAI-600 015

2.THE REGIONAL JOINT DIRECTOR OF COLLEGIATE
EDUCATION, TIRUNELVELI REGION, TIRUNELVELI

3.THE CORRESPONDENT-SECRETARY,
SARAH TUCKER COLLEGE, TIRUNELVELI

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus call for the records on the file of the 1st respondent made in E.File No.TNDCE/219/2025-F4 dated 19.3.2025 and quash the same and consequently direct the



W.P.No.11854 of 2025

respondents 1 and 2 to approve the appointment of the petitioners as Asst.Professor of chemistry in the sanctioned vacancies and pay the salary and arrears of salary and all other monetary, attendance and service benefits w.e.f. their date of appointment i.e., 28.4.2023

For Petitioners : Mr.E.Martin Jayakumar

For Respondents

For R1 & 2 : Mr.C.Gauthamraj,
Government Advocate

ORDER

This writ petition has been filed challenging the order of the 1st respondent made in E.File No.TNDCE/219/2025-F4 dated 19.3.2025, thereby rejecting the proposal to approve the petitioners' appointment in the third respondent college.

2. The learned counsel for the petitioner submitted that the same issue was dealt with by the Hon'ble Madurai Bench of this Court in



W.P.No.11854 of 2025

WEB COPY
a writ petition in WP.(MD)No.6073 of 2025 and by order dated

14.07.2025, the respondents therein were directed to pass orders for approving the appointment of the person concerned.

3. Heard, the learned counsel for the petitioners and the learned Government Advocate appearing for respondents 1 & 2.

4. It is seen that this Court already passed order related to the same issue arising in this writ petition and the relevant portion of the said order passed in WP.(MD)No.6073 of 2025 dated 14.07.2025 is extracted hereunder:

“6. All the reasons assigned in the present impugned order are similar to that of the rejection order in the case of The Secretary, Fatima College, Madurai Vs. State of Tamilnadu, Department of Higher Education in WP.MD.No.4636 & 4640 of 2021 dated 30.03.2022. Even this reason was considered by the learned Single Judge of



W.P.No.11854 of 2025

this Court in the case of The Secretary, St. Ignatius College of Education, Palayamkottai – 627 002, Tirunelveli District vs. The State of Tamil Nadu, rep. by its Secretary, Department of Higher Education, Fort St. George, Chennai - 600 009 and two others [W.P.(MD)No.25931 of 2019, dated 17.04.2020], which reads as follows:-

“When the petitioner institution, which is the Minority institution, had sought for an approval for appointment of one Mr.S.Sebastian as Record Clerk, the same came to be returned through the impugned order dated 26.11.2018 on the ground that there was no proper advertisement published in the newspaper before the appointment was made. The said order dated 26.11.2018 has been put under challenge in the present writ petition.

2.The status of a minority institution has already come up for consideration before the Hon-ble Apex Court and in view of the protection granted therein, they continue under such protection in view of Article 30 of the Constitution of India. When the respondents had, in an



W.P.No.11854 of 2025

identical situation, refused grant of approval to a non teaching staff insofar as similarly placed minority institution on the ground of lack of publicity for appointment, this Court by order dated 16.08.2019 passed in W.P.Nos. 17511 and 17518 of 2019 in the case of Secretary Nirmala College for Women (Autonomous) Vs., The State of Tamil Nadu, rep., by its Secretary and two others had set aside the rejection by holding that insistence on requirement of advertisement for appointment on nonteaching staff in the minority institution is without the authority of law. The relevant portion of the said order reads as hereunder:

“..... 11.As rightly contended by the learned Senior Counsel for the petitioner Rule 11(4)(ii) was in relation to the appointment of teaching staff by the College Committee. But as far as the Minority Institutions are concerned, the College Committee is not required to be constituted under Section 11 of the Act unlike in respect of the institutions not being Minority institutions. In the absence of such regulation, this Court is unable to countenance the action of the respondents 2 and 3 in



W.P.No.11854 of 2025

refusing to grant approval of the appointments of the seven non teaching staff in the petitioner institution. The refusal to grant approval for the subject appointments, would therefore, cannot stand the test of judicial scrutiny and the same is liable to be interfered with. The insistence on requirement of advertisement for appointment of non teaching staff in the Minority Institution is without the authority of law and the same cannot be enforced as against the petitioner institution. The petitioner institution comes under the protective cover, being the minority institution, under Article 30 of the Constitution of India, such protective cover cannot be sought to be uncovered by the insistence on a statutory requirement, which first of all cannot be made applicable for the non-teaching staff and secondly such requirement cannot be enforced in the teeth of the Constitutional protection guaranteed to the minority institutions. In fact, the claim of the petitioner is fully covered by the decisions of the Hon-ble Supreme Court of India, cited above.

3.This Court is also of the similar view that the respondents cannot insist for such advertisement for



WEB COPY



W.P.No.11854 of 2025

filling up the post of non-teaching staff in a minority institution and such an issue is covered in the aforesaid decision. As such, the impugned order, returning the petitioner's application on the ground that the advertisement was not made prior to the approval, cannot be sustained.-

As such, the impugned order is liable to be quashed."

5. Therefore, the same benefit can be given to the present petitioners as well. Accordingly, this writ petition is allowed with the following directions:

(i) the impugned order of the first respondent dated 19.03.2025, is hereby quashed.

(ii) There shall be a direction to the first respondent to pass orders for approving the appointment of the petitioners as Assistant Professor of Chemistry with effect from the date of their appointment i.e., 28.4.2023 within a period of six weeks from the date of receipt of this order.

(iii) On granting approval of the appointment of the petitioners, the



W.P.No.11854 of 2025

WEB COPY

respondents shall disburse the grant-in-aid towards the salary and other attendant benefits to the petitioners within a period of four weeks thereafter.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

21.11.2025
(2/2)

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To

1.THE DIRECTOR OF COLLEGIATE EDUCATION,
I.A.S.E CAMPUS, 577, ANNA SALAI,
SAIDAPET, CHENNAI-600 015

2.THE REGIONAL JOINT DIRECTOR OF COLLEGIATE
EDUCATION, TIRUNELVELI REGION, TIRUNELVELI

3.THE CORRESPONDENT-SECRETARY,
SARAH TUCKER COLLEGE, TIRUNELVELI



WEB COPY



W.P.No.11854 of 2025

G.K.ILANTHIRAIYAN, J.

lok



WEB COPY



W.P.No.11854 of 2025

W.P.No.11854 of 2025

21.11.2025
(2/2)