



WEB COPY

WP No. 11434 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-06-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 11434 of 2024

AND

WMP NO. 12544 OF 2024, WMP NO. 12545 OF 2024

1. The Secretary

Nirmala College For Women

(autonomous) Red Fields, Coimbatore

Coimbatore District-641 018.

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,

Colelge Road, Chennai-600 006.

3. The Joint Director Of Collegiate

Education,

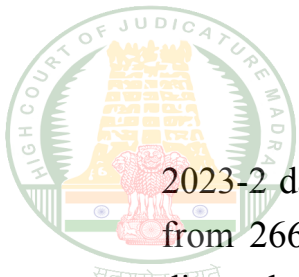
Coimbatore Region, Coimbatore,

Coimbatore District-641 018.

Respondent(s)

PRAYER

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 orders issued by the 2nd respondent director in Na.Ka. No.12308/ H1/



2023-2 dated 20.04.2023 and the 3rd respondent Joint Direction in O.Mu. Nos. from 26683 to 2693/ E2/ 2023 dated 22.05.2023 quash the same and further direct the 3rd respondent Joint Director to approve forthwith the appointment of 9 non-teaching staff (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.

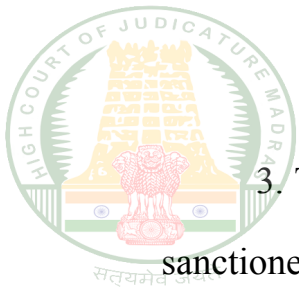
For Petitioner(s): Ms. H.Mary Gowmi Rexi For
M/s.Isaac Chambers

For Respondent(s): Mr.C.Jayaprakash,
Govt.Advocate For R1 To R3

ORDER

This Writ petition has been filed to call for the records relating to the impugned orders issued by the 2nd respondent director in Na.Ka. No.12308/ H1/ 2023-2 dated 20.04.2023 and the 3rd respondent Joint Direction in O.Mu. Nos. from 26683 to 2693/ E2/ 2023 dated 22.05.2023 quash the same and further direct the 3rd respondent Joint Director to approve forthwith the appointment of 9 non-teaching staff (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.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



3. The learned counsel for the petitioner would submit that they have got sanctioned post under Group D. When the petitioner has sent a proposal before the 3rd respondent for their approval, the same was rejected by way of the impugned order directing the petitioner to fill up the Group D posts through contractual employment. She would further submit that the petitioner, being a minority institution, they can fill up the sanctioned post on their own, if the proposed candidate has got a required qualification.

4. This issue has already been settled by way of an order in ***WA.No.574 of 2025 [The State of Tamil Nadu and 2 others Vs. The Principal and Secretary]*** and would invite the attention of this Court in respect of paragraph 5.

The same is as follows:-

“5. As we had already adverted to the judgment of a Division Bench of this Court in the State of Tamil Nadu Vs. the Secretary, Nirmala College for Women dealing with the right of the Government to regulate appointments to sanctioned posts in private aided Colleges wherein, it was held as follows:~

“5. The Government issued an order in G.O.Ms.No.219, Higher Education, dated 24.10.2013 directing the Management for outsourcing the vacancies in Group D categories like Sweeper, Scavenger, Cleaner and Gardner. The proposals submitted by the Management was rejected only on the basis of the order in G.O.Ms.No.219 dated 24.10.2013.

6. Rule 11 (1) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, contain a legislative mandate to fix the staff strength every year. Rule 11 (3) provides that in case of regular vacancy, it is open to the Management to fill up the post on regular basis, the only requirement being that



the candidate should be qualified.”

This order has become final. Therefore, we do not find any merit in the appeal. The learned Government Pleader would however, attempt to draw our attention to a judgment of another single Judge of this Court made in W.P.(MD).No.2220 & 2221 of 2016 dated 02.06.2023 wherein, the learned single Judge has upheld the right of the Government to pass a Government order regulating appointments to the sanctioned posts in the Government aided colleges.”

Therefore, the rejection is in contravention to the well settled principle of law especially against the judgment of this Court in WA.No.574 of 2025.

5. In view of the same, this writ petition stands allowed and the impugned orders dated 20.04.2023 & 22.05.2023 is hereby quashed. The respondents are directed to approve the proposal within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMPs are also closed.

19-06-2025

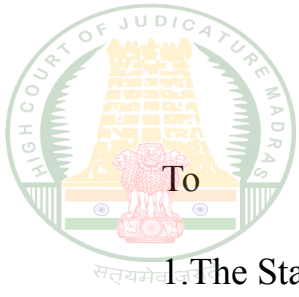
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Index: Yes/No

Speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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C.KUMARAPPAN J.

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