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W.P.No.27238 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.27238 of 2025

And

W.M.P.Nos.30614 and 30625 of 2025

The Secretary & Correspondent
Loyola College (Autonomous)
Nungambakkam
Chennai – 600 034.

... Petitioner

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,
Saidapet,
Chennai – 600 015.

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.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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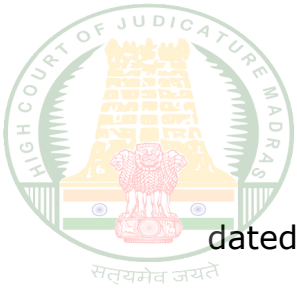
issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the third respondent Joint Director in O.Mu.No.CHNRJD/353/2025-B1 dated 28.03.2025, quash the same, and further direct the third respondent Joint Director to approve forthwith the appointment of Dr.D.Robert Selvam as Assistant Professor in Advanced Zoology and Biotechnology in the petitioner college with effect from the date of his appointment viz., 17.06.2019 and disburse the staff grant towards their salary and allowances with effect from the date of his appointment.

For Petitioner : M/s.H.Mary Sowmi Rexi
For Respondent : Mr.C.Jayaprakash for R1 to R3
Government Advocate
Mr.D.Ravichander for R4
Standing Counsel

ORDER

Mr.C.Jayaprakash, learned Government Advocate takes notice on behalf of the respondents 1 to 3. Mr.D.Ravichander, learned Standing Counsel takes notice on behalf of the fourth respondent. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the order issued by the third respondent in O.Mu.No.CHNRJD/353/2025-B1



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dated 28.03.2025, quash the same, and further direct the third respondent to approve forthwith the appointment of Dr.D.Robert Selvam as Assistant Professor in Advanced Zoology and Biotechnology in the petitioner College with effect from the date of his appointment viz., 17.06.2019 and disburse the staff grant towards their salary and allowances with effect from the date of his appointment.

3.The learned counsel appearing for the petitioner would submit that the petitioner had submitted proposal for one teaching staff by name Dr.D.Robert Selvam vide their proposal dated 09.11.2022. It is the further submission of the learned counsel that the third respondent without taking into consideration of the relevant Rules and proceedings had returned the proposal on the ground that prior approval was not obtained from the third respondent and also the details of sanctioned strength and working strength had not been furnished and Rule 11 (2) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, in respect of College Committee has not been referred to and also returned on the ground that Form 7 A provided under the above Rule has not been furnished. In this connection, the learned counsel appearing for the petitioner would submit that the petitioner Institution being a minority Institution, the reason assigned for return of proposal is bad in law.



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4.Per contra, the learned Government Advocate would submit that though the proposal is received from the petitioner, the same is not in accordance with law. Hence, by informing the reason, they have returned the proposal. Therefore, if the petitioner re-submits the proposal along with required documents and on applying the Rules provided under the Tamil Nadu Private Colleges (Regulation) Rules, 1976, the respondents will consider the same and pass orders.

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

6.The short point for consideration is whether the impugned order dated 28.03.2025 returning the petitioner's proposal is not in accordance with law.

7.In order to adjudicate the said position, let us discuss the legality or otherwise of the reason assigned for such return. Coming to the staff structure of the year 1999 – 2000, based on working load and the details regarding the staff who were working from 1999 is concerned, it is not in serious dispute about the sanctioned post to the



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petitioner College. Apart from that, it is also equally not in serious dispute that the College has got a total sanctioned strength of 149 teaching posts and 59 non teaching posts. Therefore, the reason for return 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 one sanctioned post 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) Rules, 1976. As already stated, the third respondent returned the proposal on the ground that the financial approval has not been obtained and Form 7A and Rule 11 (2) of the Tamil Nadu Private Colleges (Regulation) Rules has not been followed. In this regard, the learned counsel relied upon the Hon'ble Division Bench judgment of this Court in *P.Ravichandran Vs. State of Tamil Nadu and two others* [W.A.No.2318 of 2011], wherein, the Hon'ble Division Bench had gone into various aspects and 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



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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:

(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



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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.This Court followed the above Judgement in *W.P.No.6856 of 2025 [The Secretary and Correspondent, Loyola College (Autonomous) Vs. The State of Tamil Nadu Rep. by its Secretary]* on 14.07.2025 and held as follows:

"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 Nadu, represented by the Joint Director of Collegiate Education and others) at paragraphs 59 and 60, it has been held that the Minority Institution can regulate their process of selection. It



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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



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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 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



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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."



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10. In the result, the writ petition is allowed as prayed for. The impugned order dated 28.03.2025 is quashed. The third respondent is directed to approve the proposal of the petitioner, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

25.07.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

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C.KUMARAPPAN,J.
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