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W.P.No.20602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

**CORAM
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

W.P.No.20602 of 2025

and

WMP.No.23216 of 2025

Islamiah College (Autonomous),
Represented by its Secretary & Correspondent,
Mr.L.M.Muneer Ahmed,
S/o. Mr.L.M.Abdul Wahab,
N.No.71, O.No.561, Onji Mohideen Street,
Muslimpur, Vaniyambadi,
Tirupattur - 635 751.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by the Principal Secretary,
Higher Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Collegiate Education,
I.A.S.E. Campus,
577, Anna Salai, Saidapet,
Chennai - 600 015.
3. The Regional Joint Director Collegiate Education,
Vellore Region,
43, 1st West Cross Street,
Gandhi Nagar,
Vellore - 632 006.

... Respondents



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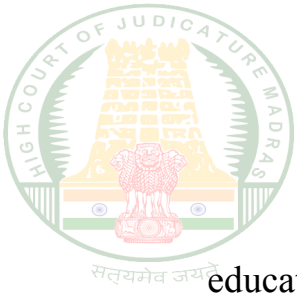
Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Mandamus, to direct the 2nd and 3rd respondents to permit the petitioner college to fill up the sanctioned posts of 5 Group D non teaching staffs viz., Office Assistant -4 and Waterman - 1 in the sanctioned vacancies in the light of the order of this Court made in W.P.(MD) No.1234 of 2014 dated 24.02.2015 in W.A.(MD) No.931 of 2018 dated 12.07.2018 which has been confirmed by the Hon'ble Apex Court in SLP.No.323 of 2019 dated 18.01.2019 and to approve the said appointment.

For Petitioner : Mr.E.Martin Jayakumar

For Respondents : Mr.C.Jaya Prakash
Government Advocate

ORDER

The instant writ petition has been filed to direct the respondents 2 and 3 to permit the petitioner college to fill up the sanctioned post of 5 Group-D non-teaching posts, in the sanctioned vacancies, in the light of the order of Madurai Bench of Madras High Court made in W.P.(MD) No.1234 of 2014 dated 24.02.2015 and in W.A.(MD) No.931 of 2018 dated 12.07.2018, which has been confirmed by the Hon'ble Apex Court in SLP.No.323 of 2019 dated 18.01.2019.

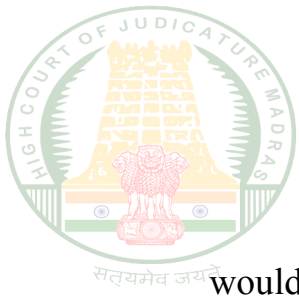


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2. The case of the petitioner College is that, they are the minority educational institution and they have been sanctioned with 86 teaching and 52 non-teaching post including Group-D non-teaching posts. Out of the above said posts, 13 teaching posts and 5 Group D non-teaching posts have fallen vacant. The petitioner College being the minority institution, they are entitled to fill up the vacant sanctioned post, if the individual has got requisite qualification. In this connection, they have sent proposal to the respondents dated 02.05.2025 and 05.05.2025 and the said proposals are pending with the respondents. Hence the present writ petition has been filed.

3. Learned Counsel for the petitioner would submit that in a similar set of facts, when the Government has returned the proposal directing the minority institution to fill up the non-teaching post on contract basis by referring to G.O.Ms.No.219, Higher Education (D1) Department dated 24.10.2013, this Court quashed the same and directed the respondents to sanction the posts. Hence, in view of the same, the learned Counsel prays to issue a direction to the respondents to consider their proposal in the light of the Judgment made in W.A.No.574 of 2025 dated 03.03.2025.



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4. *Per contra*, learned Government Advocate for the respondents would strongly object the contention of the learned Counsel for the petitioner and would submit that the above cited Judgment is not applicable to the present facts of the case and they would consider the petitioner's proposal within a reasonable time.

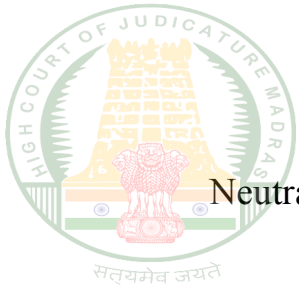
5. Heard both sides and perused the materials available on record.

6. Taking into consideration of the above cited Judgment, this Court without going into the merits of the matter, deems it appropriate to direct the respondents to consider the proposal of the petitioner dated 02.05.2025 and 05.05.2025, and pass order on it's own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. In the result, the Writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2025
(1/3)

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Index:Yes/No
Speaking order/Non-speaking order

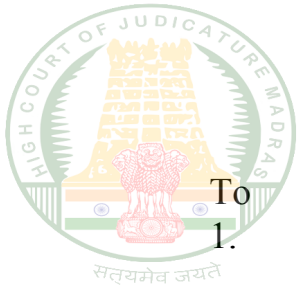


Neutral Citation: Yes/No

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To
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Represented by the Principal Secretary,
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2.

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C.KUMARAPPAN, J.

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