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W.P.No.26315 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.26315 of 2025

And

W.M.P.Nos.29618 and 29621 of 2025

The Secretary,
Providence College for Women (Autonomous)
Springfield, Coonoor – 643 104.
The Nilgris.

... 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,
College Road,
Chennai – 600 006.

3.The Joint Director of Collegiate Education,
Coimbatore Region,
Coimbatore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent Joint Director in Na.Ka.No.3547/Aa3(A4)/2024 dated 15.05.2025, quash the same and further direct the respondents 2 and 3 to disburse the grant-



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in-aid forthwith to the seven non-teaching staff (Name List annexed) in the petitioner college towards the salary and allowances with effect from the respective dates of their appointments without reference to the Government Letter No.1688/D1/2023 dated 05.06.2023.

For Petitioner : M/s.H.Mary Sowmy Rexi
For Respondents : Mr.C.Jaya Prakash
Government Advocate

ORDER

Mr.C.Jaya Prakash, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records relating to the proceedings issued by the third respondent dated 15.05.2025, quash the same and further direct the respondents 2 and 3 to disburse the grant-in-aid forthwith to the seven non-teaching staff in the petitioner College towards the salary and allowances with effect from the respective dates of their appointments without reference to the Government Letter dated 05.06.2023.

3.The learned counsel appearing for the petitioner would submit



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that the petitioner's proposal for appointment of seven non teaching staff was forwarded to the respondent on 09.04.2025, however, the same was returned by the respondents on the ground that non teaching staff may be filled through outsourcing. The learned counsel would further submit that the pay will be paid to the non teaching staff as and when received from the Government.

4.The learned counsel appearing for the petitioner would further submit that the question of outsourcing does not arise as ordered in various judgments of this Court and in this regard, it is appropriate to refer the judgment dated **03.03.2025 in W.A.No.574 of 2025 [The State of Tamil Nadu Rep. by its Secretary, Department of Higher Education Vs. The Principal and Secretary]**, where, the Hon'ble Division Bench has extracted the judgment of this Court in the case of State of Tamil Nadu Vs. The Secretary, Nirmala College for Women. This position was fairly admitted by the respondents. For ready reference, paragraph 5 of the judgement is extracted hereunder:

"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



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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



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Government to pass a Government order regulating appointments to the sanctioned posts in the Government aided colleges.”

5.It is obvious that the respondent has no right to return the proposal by requesting the appointing authority to go for outsourcing for the sanctioned post. Coming to the payment of salary, there is a duty cast upon the Government to pay the salary for the post sanctioned to the minority institution. Therefore, return of proposal for non teaching staff by the Government on the ground that non teaching staff may be filled through outsourcing cannot be a justifiable reason. Hence the impugned order dated 15.05.2025 is quashed.

6.At this juncture, the learned counsel appearing for the petitioner would submit that the approval for appointment has already been sanctioned through various approval orders, however, inspite of approving the appointment, denial of the respondents to pay the arrears of salary on the ground that no fund allocation was made by the Government is contrary to the statutory and constitutional obligation of the respondents.

7.I am in full agreement with the submission made by the



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learned counsel appearing for the petitioner. This Court deems it appropriate to direct the respondents to pay salary arrears within a period of three months from the date of receipt of a copy of this order.

8.In the result, the writ petition is allowed. No costs.
Consequently, the connected miscellaneous petitions are closed.

21.07.2025

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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C.KUMARAPPAN,J.
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