



W.P.No.26972 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.26972 of 2024
and
W.M.P.Nos.29477 and 29480 of 2024

1. V.Ramesh
2. T.Rajeshwaran
3. R.Dhavanesan
4. C.Shankar
5. S.Elumalai
6. Dr.V.Punniakotti
(P6 is impleaded vide order dated
14.11.2024 in W.M.P.No.33544 of 2024)

... Petitioners

Vs

1. The Directorate of Collegiate Education,
Chennai Region,
Chennai – 600 015.
2. The Joint Director of Collegiate Education,
Chennai Region,
Chennai – 600 015.
3. The Regional Joint Director of Collegiate Education,
Vellore Region,
Vellore – 632 006.



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4. The Secretary,
Pachaiyappa's College,
Pachaiyappa's Trust Board,
Pachaiyappa's College Campus,
Chennai – 600 030.

5. The Registrar,
University of Madras,
Navalar Nagar,
Chepauk, Triplicane,
Chennai – 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, culminating in the impugned notification/advertisement dated 01.02.2024 by the fourth respondent and quash the same and consequently direct the fourth respondent to adhere to the provisions of the Tamilnadu Private Colleges (Regulation) Act by indicating the percentage of vacancies with respect to each individual college functioning under the fourth respondent trust in roster, subject roster and women roster and adopt the eligibility criteria prescribed by the first respondent by adopting the UGC 2018 norms in filling up the vacancies as approved by the second respondent.

For Petitioners : Mrs.G.Thilakavathi, Senior Counsel
for Mr.R.Gopinath

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader
(for R1 to R3)

Mr.M.R.Jothimanian (for R4)



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ORDER

This Writ Petition has been filed challenging the notification/advertisement dated 01.02.2024 issued by the fourth respondent and consequently direct the fourth respondent to adhere to the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976 by indicating the percentage of vacancies with respect to each individual college functioning under the fourth respondent trust in roster, subject roster and women roster and adopt the eligibility criteria prescribed by the first respondent by adopting the UGC 2018 norms in filling up the vacancies as approved by the second respondent.

2. The case of the petitioners is that they are Guest Lecturers in various Departments of Pachaiyappa's Trust, which has established six colleges in the State of Tamil Nadu. They are fully qualified to be considered for the post of Assistant Professor. Their grievance is that while issuing notification/advertisement dated 01.02.2024, the fourth respondent has violated the procedure required under UGC Norms, the Tamil Nadu Private Colleges (Regulation) Act, 1976 (hereinafter referred



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to as 'the Act' for short) and the Tamil Nadu Private Colleges (Regulation) Rules, 1976 (hereinafter referred to as 'the Rules' for short) and the applications of the petitioners have been deliberately not considered. The fourth respondent has further failed to notify the vacancy of various posts in terms of subject roster and communal roster as per the norms fixed by the competent authorities in terms of the Act and Rules.

2.1 Further, the second respondent by proceedings in R.C.No.5766/F1/2023 dated 10.02.2024 and the third respondent by proceedings in R.C.No.5025/B3/2023-1 dated 12.02.2024 have informed the fourth respondent that it shall not proceed further with filling up the vacancies in pursuance of the impugned notification, which is in violation of Rule 11(1) of the Rules. It is claimed that the reason behind the communications of the second and third respondents is that the fourth respondent has not complied with the requirements of the norms for the constitution of the Selection Committee for the purpose of filling up the post of Assistant Professor. Though the Trust Board of the fourth respondent is managed and administered by the learned Administrator, the nomination of the Principal of the College as the member of the



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Selection Committee cannot be made by the University as there are no regular Principal available in the post.

2.2 That apart, the College Committee, which is the competent Appointing Authority, is not available. However, to the shock and surprise, they came to know that the fourth respondent is proceeding with the recruitment process by issuing call letter for certificate verification and interview scheduled to be held on 09.09.2024 despite the aforesaid communications received from the second and third respondents. Therefore, the petitioners have filed this Writ Petition challenging the aforesaid notification/advertisement and to consequently direct the fourth respondent to adhere to the provisions of the Act and Rules and UGC Norms in filling up the vacancies.

3. Since the grievance of the sixth petitioner is common in nature to the first to fifth petitioners, he is impleaded as the sixth petitioner vide order dated 14.11.2024 in W.M.P.No.33544 of 2024.



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4. The learned counsel for the petitioners would submit that the impugned notification dated 01.02.2024, which is issued in violation of Rule 11(1) of the Rules, is liable to be set aside. It is further submitted that the act of the fourth respondent in proceeding further with the recruitment process in pursuance of the impugned notification contrary to the communications of the second and third respondent is not sustainable.

5. The fourth respondent has filed counter affidavit stating that the fourth respondent's Trust is managed and administered by the Board of Trustees from time to time as per the scheme decree. But now the Management of Pachaiyappa's Trust and its Educational institutions are under the control of Administrator viz., Hon'ble Mr.Justice V.Parthiban, Retired Judge of this Court, as appointed by the Hon'ble Division Bench of this Court by order dated 19.12.2023. The colleges run by the fourth respondent's Trust are governed by the provisions of the Act and the Rules for appointment of teachers and its functioning. As the Colleges being Aided Colleges, instructions are issued from time to time by the Government of Tamil Nadu, which has to be followed by the fourth respondent's Trust, being the Educational Agency for the aforesaid 6



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colleges under the Act.
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5.1 Rule 11(1) of the Rules, 1976 mandates that Number of Teachers employed in a College shall not exceed the number of posts fixed by the Director from time to time, concerning the academic requirements and norms of workload prescribed by the respective Universities and overall financial consideration. In pursuance of the same, 417 posts with regard to teaching staff had been sanctioned by the Director of Collegiate Education for the 6 colleges under the administration of the fourth respondent's Trust, who is entitled to fill them, but only 285 teaching staffs are working and the Colleges are functioning with the support of self-supported teaching faculty and 132 vacancies were vacant. Therefore, the Management has taken steps to fill up the vacancies in compliance with the UGC Regulations.

5.2 As there was an issue with regard to illegal appointments made by the erstwhile Trust Board, the learned Administrator had decided to conduct entire selection process in a fair and transparent manner in compliance of the provisions of the Act and the Rules. Therefore, the



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College Committee has been duly constituted under the Presidentship of the learned Administrator. Since 132 posts were vacant, advertisement vide notification dated 01.02.2024 was issued by the fourth respondent's Trust for filling them in the interest of students.

5.3 The earlier W.P.No.3914 of 2024 filed by one P.Ramamurthy challenging the aforesaid notification dated 01.02.2024 was dismissed by the Division Bench of this Court by order dated 23.02.2024 imposing the cost of Rs.25,000/- to the said person and thereby, allowing the fourth respondent Trust to fill up the vacancies.

5.4 Among 1862 applications received including candidates sponsored through Employment Exchange in response to the impugned notification, 754 candidates (at the ration of 1:5) have been finalized by the Scrutiny Committee as per the UGC Regulations and Government Norms. After several litigations, the entire process has been completed by constituting Selection Committee based on the orders passed by this Court and 125 candidates had been selected and they are working in the fourth respondent Trust Colleges from 03.10.2024.



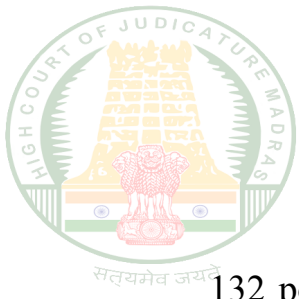
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6. The learned counsel for the fourth respondents would submit that the petitioners had failed to come within the zone of consideration based on the marks awarded to them as per the UGC Regulations. The details of the marks obtained by the petitioners are as follows:-

Appl. No.	Name	Subject	Community	Marks	Cut Off
2478208974	V.Ramesh	History	BC	55	58
5607439662	T.Rajeshwaran	Economics	SC	48	68
4048623237	R.Dhavanesan	History	SC	45	69
3494180082	C.Shankar	Maths	MBC	64	76
3777360404	S.Elumalai	Tamil	MBC	81	86

Since the petitioners are not within the zone of consideration and they were not called for an interview based on marks. He would further submit that the petitioners have not produced any material to show that the management has acted against the UGC Regulations as well as the Act and the Rules. He would further submit that when the very same issue was already raised in W.P.No.3914 of 2024, the letters issued by the second and third respondents have also been considered by the Division Bench of this Court and that Writ Petition was dismissed and the management was permitted to fill up the vacancies as per the impugned notification by order dated 23.02.2024. He would further submit since the



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132 posts in respect of which impugned notification was issued, are the posts sanctioned by the authorities under Rule 11(1) of the Rules, there is no need to get permission from the first to third respondents. He would further submit that 5 regular Principals and 1 Principal in-charge were included in the Selection Committee constituted as per UGC Regulations. He would submit that all 125 candidates were selected based on the marks only and the petitioners have no *locus standi* to question the selection process. He would also submit that considering the request made by the learned counsel for the petitioners, the management offered temporary employment to the fourth and sixth petitioners in C.Kandaswami Naidu College for Men, Chennai. In pursuance of the said offer, the sixth petitioner joined in the service and he continues his employment in the said College, but the fourth petitioner did not join the same and he has been employed elsewhere.

7. Having regard to the aforesaid submissions made, this Court is of the view that other petitioners are not qualified for selection in pursuance of the impugned notification. Viewed from that perspective,



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there does not appear to be infirmity in the impugned notification and the pursuant selection process. Insofar as the arrears of salary, if any, to be paid to the petitioners is concerned, the request of the petitioners shall be considered and appropriate orders shall be passed within a period of eight weeks from the date of receipt of such request. All other issues can be decided as and when the situation arises.

8. With the above observations, the Writ Petition is disposed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No
Speaking order/Non-speaking order
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V.BHAVANI SUBBAROYAN,J.

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