



W.P.No.31951 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.31951 of 2024

and

W.M.P.Nos.34708 and 34709 of 2024

The Principal & Secretary,
St.Christopher's College of Education,
Vepery, Chennai – 600 007.

... 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,
Anna Salai, Saidapet,
Chennai – 600 015.

3. The Regional Joint Director of
Collegiate Education,
Chennai Region,
Chennai – 600 015.

... Respondents

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 order issued by the third respondent Joint Director



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in O.Mu.No.3278/A1/2023 dated 25.06.2024 insofar as it refuses approval of appointment of Miss. D.Jancy as Office Assistant, quash the same, and further direct the third respondent Joint Director to approve forthwith the appointment of Miss. D.Jancy as Office Assistant in the petitioner's College and disburse the staff grant towards her salary and allowances with effect from date of her appointment viz., 13.05.2022.

For Petitioner : Ms.H.Mary Sowmi Rexi

For Respondents : Mr.C.Jayaprakash,
Government Advocate

ORDER

The instant writ petition has been filed challenging the order dated 25.06.2024 passed by the third respondent.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner submits that the post of Office Assistant fell vacant on 01.02.2022. In the said post, one D.Jancy was appointed with effect from 13.05.2022. However, her appointment was not



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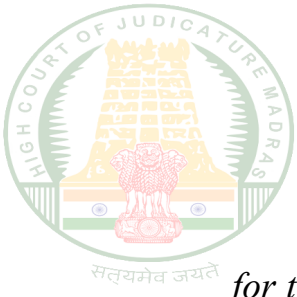
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approved by the third respondent vide proceedings dated 25.06.2024 on the grounds that the petitioner's college did not obtain prior permission from the third respondent and no paper publication was effected in both English and Tamil calling for the application for the post. It is the submission of the learned counsel for the petitioner that the rejection of approval on the grounds of prior permission and absence of paper publication is no longer *res integra*, as the issue had already been settled by the judgement of the Division Bench of this Court in W.A. No. 586 of 2025 dated 05.03.2025, and in the judgment in ***P. Ravichandran vs. State of Tamil Nadu & others*** reported in **2013-5 L.W. 514**.

4. For ready reference, this Court deems it appropriate to extract the judgement of the Division Bench ***P.Ravichandran's case*** (cited supra), 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



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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 vacant post, should follow the procedures stated in Rule 11(1 A) 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. The writ appeal is disposed of with the above directions. No costs."

5. According to the above precedent, it is amply clear that whenever an aided institution initiates action to fill up a vacant post, there is no necessity to obtain prior permission to fill up the sanctioned post. In the case in hand, it is not in dispute that the post filled by the petitioner is a sanctioned post.



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6. Coming to the other issue of paper publication, the learned counsel for the petitioner would invite the attention of this Court to Rule 11(4)(ii) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976. For ready reference, the same is extracted hereunder:-

“11. Conditions of service, etc. of teachers and other persons in college.

4.....(ii) [The committee shall fill up the posts by promotion or by direct recruitment. The committee shall, while making promotion, consider the claims of all the qualified teachers in that college. If, however, none of the qualified teachers in the college is found suitable for promotion, the vacancy shall be filled up by direct recruitment by calling for applications from qualified persons through the Press or by calling for a list of candidates from the Employment Exchange by following the rule of reservation ordered by the Government, from time to time, for direct recruitment.] [Substituted by G. O. Ms. No. 1690, Education, dated the 21st October 1986.]

Explanation. - For purposes of this rule, if an educational agency has established and administered more than one college, then, the colleges under the control of that educational agency shall be treated as one unit.”

7. It is the submission of the learned counsel for the petitioner that, taking into consideration of the above Rule, viz., the absence of paper



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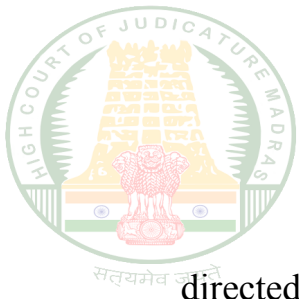
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publication through a press, the third respondent has passed the rejection order. In this regard, it is appropriate to refer to the judgment of the Division Bench in W.A. No. 586 of 2025 dated 05.03.2025, where this Court, in paragraph 4, has observed as follows:-

“4. Similar issue arose before other Hon'ble Single Judges of this Court also and following the said judgement, it has been held that Rule 11(4)(ii) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 will not apply to a Private Minority College. We do not see any reason to deviate from the settled legal position that the State's control over Minority Colleges or institutions is only to the extent to ensure that qualified candidates are appointed.”

8. According to the above judgement, it is amply clear that Rule 11(4)(ii) of the Rules is not applicable to minority institutions. In view of above, this Court is of the firm opinion that the reason assigned by the third respondent for rejecting the petitioner's approval, is in contravention of the settled legal position. Hence, this Court finds merit in this Writ Petition.

9. In view of the same, the Writ Petition stands allowed and the the impugned order dated 25.06.2024 is hereby quashed. The respondents are



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directed to approve the petitioner's proposal within a period of eight (8) weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petitions are closed. No costs.

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Secretary,
The State of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai – 600 009.
2. The Director of Collegiate Education,
Anna Salai, Saidapet,
Chennai – 600 015.
3. The Regional Joint Director of
Collegiate Education,
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C.KUMARAPPAN, J.

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