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W.P.No. 35112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35112 of 2023

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W.M.P.Nos.35078 to 35081 of 2023

Vishnusankar

...Petitioner

Vs.

1.The Secretary to Govt.
Higher Education Department
Fort. St., George,
Chennai – 600 009.

2.The Director,
Directorate Collegiate Education
577, Anna Salai,
Saidapet, Chennai – 600 015.

3.Joint Director of Collegiate Education
Madurai Region
Madurai – 625 002



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4. The Secretary

Rajapalayam Rajus' College

Mudangiar Road

Rajapalayam – 626 117

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of the 2nd respondent dated 26.04.2018 Ref.No.17958/G3/2018 and the impugned order 13.10.2023 Ref.Na.Ka.No.10870/Aal/2023 passed by the 3rd respondent on the basis of the 2nd respondent's proceedings dated 26.04.2018 and quash the said proceedings and consequently direct the respondent authorities 1 to 4 to approve the petitioner's appointment as Office Assistant in the 4th respondent college with effect from 01.09.2023 and grant consequential service and salary benefits to the petitioner.



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For Petitioner : Mr. S.Thankasivan

For Respondents : Mr. C.Jayaprakash
1 to 3 Government Advocate

For Respondent 4: No Appearance.

ORDER

The above Writ Petition is filed for the following relief:

“To call for the records relating to the proceeding of the 2nd respondent dated 26.04.2018 Ref.No.17958/G3/2018 and the impugned order 13.10.2023 Ref.Na.Ka.No.10870/Aal/2023 passed by the 3rd respondent on the basis of the 2nd respondent's proceedings dated 26.04.2018 and quash the said proceedings and consequently direct the respondent authorities 1 to 4 to approve the petitioner's appointment as Office Assistant in the 4th respondent college with effect from 01.09.2023 and grant consequential service and salary benefits to the petitioner”.

2. The petitioner was appointed as an Office Assistant in the 4th



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respondent college with effect from 01.09.2023 and was discharging his duties. The 4th respondent is a linguistic minority education institution as per grant in aid code. The existing Office Assistant was promoted as a Record Clerk and hence the 4th respondent had released advertisement calling for an application for the post of an Office Assistant in the permanent approved vacancies.

3. The petitioner made an application and he was called for an interview by the 4th respondent college and was appointed as an Office Assistant by order dated 01.09.2023. The petitioner had joined the duty on the said date. Thereafter, by proceedings dated 04.09.2023 the 4th respondent requested approval for the petitioner's appointment.

4. Thereafter, the 3rd respondent vide impugned order dated 13.10.2023 in Ref.Na.Ka.No.10870/Aa1/2023 has denied approval citing the proceeding of the 2nd respondent dated 26.04.2018 wherein it is stated that the 4th respondent is required to obtain prior permission from the 2nd respondent and therefore approval cannot be granted.



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5. In fact the 2nd respondent himself has already notified vide his proceedings dated 01.10.2021 that no prior permission is necessary for appointments in respect of regular approved vacancies in minority institutions. Therefore, the petitioner is before this Court.

6. Heard the learned counsels and perused the records.

7. In a writ petition in WP.No.6604 of 2018, where the case is similar to the case on hand, the learned Judge has held as follows:

“12.From the above, it could be seen that the issue as to whether prior approval is required from the education authority or not, is no more res integra. The issue has been settled by number of decisions both by the learned single Judge and also by the learned Division Bench of this Court. Unfortunately, despite the settled legal principles, this Court finds that repeatedly the action being taken by the educational authority in refusing to grant the approval on the specious ground that prior approval is not obtained by the minority institution in respect of appointment of its staff. This Court is unable to



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see how such refusal orders could be repeatedly passed by the Educational Authority in the face of this Court settling the issue in favour of the recognised minority institutions. If only the authorities have applied their minds correctly to the settled legal principles, the issue as such need not travel to this Court, for this Court to take a call on the claim of the recognised institution like the petitioner college. Unfortunately the authority who passed the order, has not applied his mind correctly and has mechanically disposed of the approval petitions with no objectivity in dealing with such applications. The State authorities are expected to follow and apply the legal principles laid down by this Court and by the Hon'ble Supreme Court of India when they deal with such claims of the educational institutions, but they cannot routinely pass orders without due regard to such settled legal principles and drive the educational institutions to seek relief from this Court.

This Court is therefore of the view that the petitioner's claim is covered in all fours and hence, the same is entitled to be allowed. In the circumstances, the impugned order passed by the 3rd respondent / Joint Director in O.Mu.No.02337/A3/2007 dated 19.01.2018 is hereby quashed and the 3rd respondent Joint Director is



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directed to grant approval to the appointment of two non-teaching staff, namely, Mr.A.Mahendran and Mr.M.Somasundaam as Office Assistants in the petitioner's college and disburse the grant-in-aid towards their salary and allowances with effect from the date of their appointment, viz., 01.07.2008 and 21.07.2008 respectively. The 3rd respondent is directed to pass appropriate orders in this regard within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMP is closed”.

8. The above dicta would squarely applies to the facts of the instant case. Hence, the Writ Petition is allowed. The proceeding of the 2nd respondent dated 26.04.2018 Ref.No.17958/G3/2018 and the impugned order 13.10.2023 in Ref.Na.Ka.No.10870/Aal/2023 passed by the 3rd respondent on the basis of the 2nd respondent's proceedings dated 26.04.2018 are quashed and the respondents are directed to approve the petitioner's appointment as an Office Assistant in the 4th respondent college with effect from 01.09.2023 and grant consequential service and salary benefits to the petitioner within a period of 1 month from the date of receipt of a copy of this order. Consequently,



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connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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