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*Rev.Appln.No.248 of 2025
& Cont.P.No.1101 of 2025*

In the High Court of Judicature at Madras

Reserved on 12.11.2025	Delivered on : 19.11.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Review Application No.248 of 2025
& Contempt Petition No.1101 of 2025
& WMP.No.42569 of 2025

Rev.Appln.No.248 of 2025 :

- 1.The Government of Tamil Nadu,
Rep. by its Secretary, Higher
Education Department,
Fort St. George, Chennai-9.
- 2.The Director of Collegiate
Education, IASE Campus,
577, Anna Salai, Saidapet,
Chennai-15.
- 3.The Additional Director-cum-
Financial Advisor, Directorate
of Collegiate Education,
Saidapet, Chennai-15.
- 4.The Regional Joint Director
of Collegiate Education,
Madurai Region, Madurai.

...Applicants

Vs



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Arumugam Pillai Seethai Ammal
College, Rep. by its Secretary
Mr.N.Arumugarajan

...Respondent

Cont.P.No.1101 of 2025 :

Arumugam Pillai Seethai Ammal
College, Rep. by its Secretary
Mr.N.Arumugarajan

...Petitioner

Vs.

- 1.Ms.E.Sundaravalli, IAS,
Director of Collegiate Education,
IASE Campus, 557, Anna Salai,
Saidapet, Chennai-15.
- 2.Tmt.Jagadeeswari, Additional
Director-cum-Financial Advisor,
Directorate of Collegiate
Education, Saidapet, Chennai-15.
- 3.The Secretary, Higher Education
Department, Fort St.George,
Chennai-9.

(R3 suo motu impleaded as per
order of the Court dated 14.8.2025
by NAVJ)

...Respondents

REVIEW APPLICATION under Order XLVII Rules 1 & 2 read with
Section 114 of the Civil Procedure Code praying to review of the order
dated 23.8.2024 made in W.P.No.24564 of 2024 and allow the above



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review application; and

PETITION under Section 11 of the Contempt of Courts Act, 1971
praying to punish the respondents for wilful disobedience and for
violation of the order dated 23.8.2024 in W.P.No.24564 of 2024.

For Applicants in
Rev.Appln &
Respondents in
Cont.P.

: Mr.J.Ravindran, AAG for
Mr.A.Selvendran, SGP

For Respondent in
Rev.Appln &
Petitioner in
Cont.P.

: Ms.Selvi George for
Mr.E.Martin Jayakumar

COMMON ORDER

Cont.P.No.1101 of 2025 has been filed on the ground of non
compliance of the order passed by this Court dated 23.8.2024 in W.P.
No.24564 of 2024.

2. Rev.Appln.No.248 of 2025 has been filed to review the order
passed by this Court dated 23.8.2024 in W.P.No.24564 of 2024.



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3. Heard both.

4. Arumugam Pillai Seethai Ammal College represented by its Secretary Mr.N.Arumugarajan was the petitioner in the said writ petition, which was filed seeking for the issuance of a Writ of Mandamus to direct the Director of Collegiate Education, Chennai-15 (DCE) and the Additional Director-cum-Financial Advisor, Directorate of Collegiate Education, Chennai-15 (ADFA) to map the three sanctioned additional posts to the petitioner college in the Integrated Financial and Human Resource Management System (IFHRMS) portal of the Treasuries and Accounts Department and to disburse the salary and arrears of salary to the three Assistant Professors namely (i) Dr.S. Surya - Computer Science; (ii) Dr.M.Gomathi Imaya - Commerce; and (iii) Dr.A.Azhagammal - Computer Science from their date of appointment i.e. 19.11.2022 based on the approval given by the Regional Joint Director of Collegiate Education, Madurai Region (RJDCE) vide proceedings Pa.Mu.No.3995/E3/2024-1, Pa.Mu.No.3995/E3/2024-2 and Pa.Mu.No.3995/E3/2024-3 dated 27.5.2024.



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5. W.P.No.24564 of 2024 was disposed of by order dated 23.8.2024, the relevant portions of which are extracted as hereunder :



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"3. The case of the petitioner is that the petitioner College sought for sanction of three additional posts considering the work load. The 2nd respondent through proceedings dated 21.07.2022 sanctioned three additional posts in the petitioner College. Based on the same, the petitioner appointed three Assistant Professors in the respective Department as per UGC norms.

4. The petitioner College thereafter sent a proposal for salary approval to the 4th respondent. The 4th respondent has also granted the salary approval to the three Assistant Professors through three separate proceeding dated 27.05.2024. While giving this approval, the 4th respondent has stipulated a condition that the salary will be released only after getting the monetary funds from the Government.

5. The petitioner College thereafter sent a detailed representation to the 1st respondent dated 12.07.2023 to accord sanction to the 2nd respondent and to take necessary steps. The funds were not released and the petitioner College continued to engage the services of the three Assistant Professors. It is under these circumstances, the present writ petition has been filed before this Court.

6. Taking into consideration the facts and



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circumstances of the case and the materials that were placed before this Court, this Court deems it fit to direct the 2nd and 3rd respondents to deal with the representation dated 04.06.2024 and pass necessary order, within a period of six weeks from the date of receipt of copy of this order and release the funds to enable the salary to be paid to the three Assistant Professors whose services have been engaged by the petitioner College.

7. The petitioner is directed to make a fresh representation to the 2nd and 3rd respondents along with all the relevant documents and also a copy of this order."

6. Later, the writ petitioner college filed the above contempt petition on the ground that the said order dated 23.8.2024 in W.P.No. 24564 of 2024 has not been complied with by the official respondents.

7. On the contrary, the official respondents in the writ petition filed the above review application on the ground that the additional posts were sanctioned by the DCE without getting approval of the Government, that such sanction was illegal, that therefore, disciplinary proceedings have been initiated against the DCE and the RJDCE, that



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since 1999-2000, no additional posts have been approved to the aided colleges and that such appointments made towards those additional posts, which were not approved by the Government, would not bind the Government. Accordingly, the State sought for reviewing the said order dated 23.8.2024 made in W.P.No.24564 of 2024.

8. In the case in hand, earlier, the writ petitioner college sought for sanction of additional posts and made a representation to the RJDCE, who also sent a proposal in this regard to the DCE. The Workload Committee inspected the workload and the students' strength and a report was given to increase the number of posts. Since the same was not acted upon, earlier, the writ petitioner college represented by the then Secretary filed W.P.No.29950 of 2018 before this Court seeking for a direction to the State and the DCE to consider their representations dated 19.7.2018 and 06.8.2018 for sanction of additional/new posts in line with the proposal submitted by the RJDCE.

9. W.P.No.29950 of 2018 was disposed of by order dated 14.11.2018 by directing the DCE to deal with the said representations



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of the writ petitioner college in line with the recommendations made by the RJDCE.

10. Pursuant to the said order dated 14.11.2018, the DCE, through proceedings dated 21.7.2022, sanctioned one post of Assistant Professor in Commerce and two posts of Assistant Professor in Computer Science to the writ petitioner college. Pursuant to that, the appointment orders were issued by the petitioner to the three Assistant Professors on 28.11.2022.

11. Thereafter, the writ petitioner college made a representation dated 16.5.2023 to the Principal Secretary to Government of Tamil Nadu, Higher Education Department, Chennai-9 seeking for the release of salary to all the three Assistant Professors. On receipt of the same, the Deputy Secretary to Government, Higher Education Department, Chennai-9, through communication dated 14.11.2023, directed the DCE to take appropriate action and submit a report.

12. Later, the RJDCE, Madurai Region, vide three separate proceedings dated 27.5.2024, communicated to the writ petitioner



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college granting salary approval for the three additional posts created by making it clear that such salary would be released only after getting approval of the Government. Thereafter, there was no progress in spite of repeated representations made by the writ petitioner college.

13. Hence, the present writ petition namely W.P.No.24564 of 2024 came to be filed before this Court seeking for a direction to the DCE and the ADFA to map the sanctioned three additional posts in the IFHRMS portal and disburse the salary. This Court, after considering all the earlier proceedings, disposed of W.P.No.24564 of 2024 on 23.8.2024 by directing the DCE and the ADFA to deal with the representation of the writ petitioner college and release the funds so as to enable the salary to be paid to the three Assistant Professors, whose services have been engaged by the writ petitioner college.

14. The above review application has been filed mainly on the following grounds :

(i) All the relevant Government Orders starting from the year 1998 till 2016 made it very clear that such additional posts could be



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created only after getting the approval from the Government. In the case in hand, no such approval was obtained by the DCE and the RJDCE. Therefore, such sanction granted by those Authorities will not bind the Government. In fact, disciplinary proceedings have been initiated against them under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955 and a charge memo has also been issued.

(ii) G.O.Ms.No.248 Finance (CMPC) Department dated 20.5.2020 was issued by the Government directing a total ban on creation of new posts in all Departments and this Government Order was in force when the sanction was given by the DCE vide proceedings dated 21.7.2022.

15. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the order dated 23.8.2024 in W.P.No. 24564 of 2024.

16. When the matter came up for hearing on 03.11.2025, this Court, after hearing the learned counsel on either side, directed the



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learned Additional Advocate General appearing on behalf of the review applicants/officials to take instructions from the Government and see if any such sanction could be given at least to the three Assistant Professors, who have been working in the writ petitioner college from the year 2022 onwards.

17. Pursuant to that, when the matter was taken up for hearing on 12.11.2025, the learned Additional Advocate General submitted that already, in the Madurai Region, a total of 17 additional posts has been sanctioned including the three additional posts, which are the subject matter of the present writ petition, that the yearly commitment of the State Government will be to the tune of Rs.1,99,06,524/-, that if this exemption is extended across the State, it will have a lot of financial constraint on the Exchequer, that there has been no considerable increase in the students' strength in the writ petitioner college from 2020-21 to 2025-26 and that therefore, there is no requirement for approval of the three additional posts in the writ petitioner college.

18. It is not in dispute that when the DCE wants to grant



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sanction for creation of the additional posts, he/she has to necessarily get the approval of the Government since such creation of additional posts has financial implications. In the case in hand, the Government has not given the approval and in fact, during the relevant point of time, G.O.Ms.No.248 dated 20.5.2020 was in force. Hence, the DCE ought not to have granted sanction for three additional posts to the writ petitioner college. If such sanction was given without the approval of the Government, it will not bind the State.

19. In a case of this nature, the Court cannot be merely swayed by emotions. It is quite unfortunate that the writ petitioner college is availing the services of three Assistant Professors from 2022 and now, their future is hanging in a balance.

20. Even when the first order dated 14.11.2018 was passed by this Court in W.P.No.29950 of 2018, the State Government ought to have taken a stand that such sanction of additional posts could not be granted by the DCE. Though the sanction had already been given by the DCE, it will be subject to approval of the State Government.



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Ultimately, if the State is not willing to grant approval, there is no life for the sanction granted by the DCE. Hence, it cannot be enforced against the State.

21. Considering the facts and figures placed before this Court, if this Court is exercising its mercy jurisdiction, it will have a bearing on the Exchequer and therefore, at one stage, the Courts must make it very clear that such sanction of the additional posts without the approval of the State will not bind the State. There is an adage that **'hard cases make bad law'**.

22. If this Court, based on the hardship that is going to be faced by the three Assistant Professors, directs the State Government to grant approval, such a direction will be cited as a precedent and in every other case where such additional posts are sanctioned, those persons will also approach this Court seeking for a similar relief. This practice of passing such ad hoc orders by the Court has virtually clogged the service law port folio in this Court.



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23. Fence sitters keep observing such orders passed in Courts and thereafter, the Courts are filled with hundreds of petitions of similar nature, which are mechanically ordered without realizing the repercussions. Hence, at some stage, the Courts will have to put their foot down and proceed strictly in line with law rather than being swayed by emotions. In the result, the review applicants have made out a case for reviewing the order dated 23.8.2024 in W.P.No.24564 of 2024.

24. Accordingly, Review Application No.248 of 2025 stands allowed, the order dated 23.8.2024 in W.P.No.24564 of 2024 is recalled and W.P.No.24564 of 2024 is dismissed. As a consequence, Contempt Petition No.1101 of 2025 is closed. The connected WMP in the writ petition namely WMP.No.26884 of 2024 is dismissed. The connected WMP in Rev.A.No.248 of 2025 namely WMP.No.42569 of 2025 is closed.

19.11.2025

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