



WEB COPY

W.A.No.586 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**  
AND  
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

**W.A.No. 586 of 2025**  
**and CMP No.4699 of 2025**

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 Regional Joint Director of  
Collegiate Education,  
Chennai Region, Chennai 6000 015.

...Appellants

Vs.

1. The Principal & Secretary,  
St. Christopher's College of Education,  
Vepery, Chennai 600 007.
2. Tamil Nadu Teachers Education University,  
Rep. by its Registrar,  
Gangaiammann Koil Street,  
Karapakkam, Chennai 97.

...Respondents



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**Prayer:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 20.11.2023 made in WP No.19082 of 2020.

For Appellant : Mr.D.Ravichander  
Special Government Pleader

For Respondent : Mr.P.Godson Swaminath

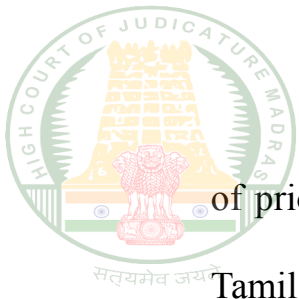
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### **J U D G M E N T**

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

Challenge is to the Mandamus issued by the learned Single Judge directing approval of the appointment of one Mrs.Hebziba M. as Assistant Professor in the Computer Education Department on 04.04.2019.

2. The claim was resisted by the Department contending that the appointment requires prior approval and that the provisions of Rule 11(4)(ii) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 has not been followed by the College in the recruitment process. The learned Single Judge had found that since the Institution is a minority college, the question



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of prior approval does not arise and the provisions of Rule 11(4)(ii) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 will not also stand attracted in view of Section 11 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 which provides that the provision requiring constitution of a College Committee will not apply to a Minority College.

3. The Writ Court has also adverted to the judgment of the Division Bench of this Court in *The Forum of Minority and Institutions and Associations vs. The State of Tamil Nadu rep. by the Joint Director of Collegiate Education and others*, dated 05.01.2011 made in WP No.34434 of 2008 etc. batch, wherein the Division Bench had observed as follows:

*“59. Thus, a reading of these judgments would show that right of Minority Institutions to select candidates of their own choice by regulating their process of selection is upheld by the Hon’ble Supreme Court.*

*60. In view of the settled proposition of law, the contention of learned Counsel for the University*



WEB COPY

W.A.No.586 of 2



*Grants Commission that by way of amendment of Regulations, independence has been given to the Minority Institutions to select their own people without outside interference, as the right of appointment of teachers out of qualified teachers is to be left to the Minority Institutions alone cannot be accepted, as the process of selection of teachers cannot regulated, as it would amount to interference in administration of Minority Institutions.? ”*

4. Similar issue arose before other Hon’ble Single Judges of this Court also and following the said judgment, 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.



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5. Hence we see no reason to interfere with the order of the Writ Court, the Writ Appeal fails and it is accordingly dismissed. The Mandamus issued by the Writ Court shall be complied with within a period of 12 weeks from the date of receipt of the copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

**(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)**

05.03.2025

jv

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking order/Non Speaking order



WEB COPY

W.A.No.586 of 2



**R.SUBRAMANIAN, J.**  
**and**  
**G. ARUL MURUGAN, J.**

jv

To

1. The Secretary  
Govt. To Tamil Nadu,  
Department of Higher Education,  
Fort St. George, Chennai 600 009.
2. The Director of Collegiate Education,  
College Road, Chennai 600 006.
3. The Regional Joint Director of  
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2. The Registrar,  
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