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W.A No. 3429 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A No. 3429 of 2025

And

CMP.No. 28032 of 2025

1.The Government of Tamilnadu
rep by its Secretary, Higher Education Department,
Fort St. George, Chennai-9.

2.The Director of Collegiate Education,
Saidapet, Chennai-15.

3.The Regional Joint Director of Collegiate Education,
Tiruchirapalli Region,
Tiruchirapalli.

..Appellants

Vs

National College
Rep by its Secretary
Mr. K. Raghunathan (Senior Citizen)
S/o. Dr. R. Kalamegham,
No.7, Viswanathapuram,
Tennur, Trichy -17

..Respondent



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Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 20.06.2025 passed in W.P.No. 25162 of 2023.

For Appellants: Mr.M.Sureshkumar, AAG

Assisted by Mr. A.Selvendran, Spl.GP

For Respondent : Mrs. Selvi George

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

The challenge in this intra-court appeal is to the order dated 26.06.2025 passed by the learned Single Judge in W.P. No. 25162 of 2023. By the said order, the learned Single Judge set aside the order passed by the second appellant refusing approval for 18 out of 48 vacant posts, and further directed the second appellant to consider the respondent/writ petitioner's representation seeking approval to fill up all 48 posts under various categories.

2. The respondent/writ petitioner is an aided institution and had submitted a representation dated 27.07.2022 seeking approval to fill up 48 vacant non-teaching posts, pursuant to the order passed by this Court in W.P.



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No. 31626 of 2022 dated 25.11.2022. The second appellant considered the representation and granted approval for 30 non-teaching posts under different categories, but refused approval for the remaining 18 posts. The learned Single Judge, after recording the submission of the learned Special Government Pleader who fairly conceded that the order passed by the second appellant was contrary to the judgment dated 03.03.2025 passed by the Division Bench of this Court in W.A. No. 574 of 2025 proceeded to pass the impugned order.

3. Mr. Suresh Kumar, learned Additional Advocate General appearing for the appellants, assailed the impugned order and drew our attention to G.O. Ms. No. 66 dated 03.04.2025 issued by the Higher Education (D2) Department, whereby Rule 11 of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, was amended. Under the amended Rule, Managements are required to fill up vacancies arising in Group-D category posts (except the post of Office Assistant) only through outsourcing and on a contract basis, in accordance with Government instructions issued from time to time. It was therefore contended that the learned Single Judge, in passing the impugned order, acted contrary to the amended Rule and that the order is legally unsustainable.



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4. In response, Mrs. Selvi George, learned counsel for the respondent/writ petitioner, submitted that the amendment to Rule 11 came into effect only on 03.04.2025 and cannot be applied retrospectively to vacancies that arose prior to the amendment. The respondent's request for approval was made well before the amendment came into force. Therefore, the contention advanced on behalf of the appellants is devoid of merit, and the impugned order warrants no interference.

5. The submissions of the learned counsel for both parties and the documents available on record have been duly considered.

6. Admittedly, the vacancies in 48 Group-D posts arose in 2022, and the respondent/writ petitioner submitted a representation on 27.07.2022 seeking approval to fill up those vacancies. As on the date when the vacancies arose and the representation was made, there was no prohibition on filling up Group-D category posts. The request for approval was rejected on 26.07.2023. The amendment to Rule 11 of the Rules, 1976, came into effect only on 03.04.2025 and does not contain any provision conferring retrospective operation. Therefore, the amended Rule cannot be invoked to retrospectively curtail the



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respondent/writ petitioner's vested right to fill up the vacancies in accordance with the rules then in force. Consequently, the contention of the learned Additional Advocate General that the impugned order is contrary to amended Rule 11 is without merit.

7. In view of the above, we find no reason to interfere with the well-considered order passed by the learned Single Judge. The impugned order is free from illegality or infirmity and is liable to be sustained.

8. Accordingly, the writ appeal is dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no order as to costs. However, the appellants are granted a period of two (2) months to comply with the directions issued by the learned Single Judge in the impugned order.

(R.S.K.,J)

(H.C., J)

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Index : Yes / No

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Neutral Citation : Yes / No

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