

*W.A(MD)No.458 of 2025*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 28.02.2025**

**CORAM :**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU  
and  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.458 of 2025  
and  
CMP(MD)Nos.3646 and 3647 of 2025**

Dr.T.Wins Joel,  
Assistant Professor,  
Department of History,  
Scott Christian College (Autonomous),  
Nagercoil, Pin 629 003,  
Kanniyakumari District,  
Tamil Nadu.

... Appellant

vs.

1. The Commissioner / Director of Collegiate Education,  
Directorate of Collegiate Education,  
No. 577, Anna Salai,  
College Road,  
Chennai 600 015.

2. The Regional Joint Director of Collegiate Education,  
Near Rani Anna Government College For Women,  
Gandhi Nagar,  
Tirunelveli 627 008

3. The Bishop/ Chairman,  
Governing Board of the Scott Christian College (Autonomous),



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Nagercoil 629 003,  
Kanniyakumari District.

4. D.Henry Raja,  
The Principal I/c,  
Scott Christian College (Autonomous),  
Nagercoil 629 003,  
Kanniyakumari District.

... Respondents

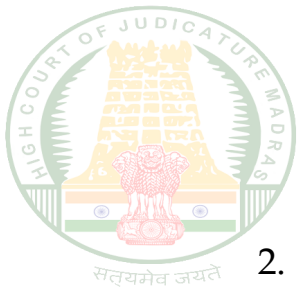
PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 25.02.2025 made in W.P(MD)No.5185 of 2025.

|               |                                               |
|---------------|-----------------------------------------------|
| For Appellant | : Mrs.Selvi George for<br>Mr.S.Balamurugan    |
| For R1 & R2   | : Mr.J.Ashok<br>Additional Government Pleader |
| For R3        | : Mr.N.Dilip Kumar                            |

### **JUDGMENT**

(Judgment of the Court was made by **S.SRIMATHY, J.**)

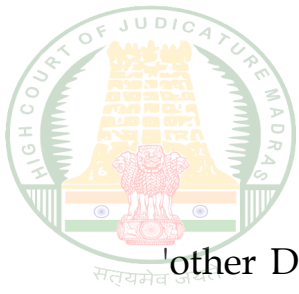
The appellant / writ petitioner has filed W.P(MD)No.5185 of 2025 for a Mandamus, directing the respondents 3 and 4 to issue the Release Order permitting him to participate in the Refresher Course in History to be held from 03.03.2025 to 17.03.2025 in Offline Mode at UGC-Malaviya Mission Teacher Training Centre, North-Eastern Hill University, Shillong, Meghalaya State.



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2. By order dated 25.02.2025, the Writ Court has ordered notice to the respondents returnable by 18.03.2025.

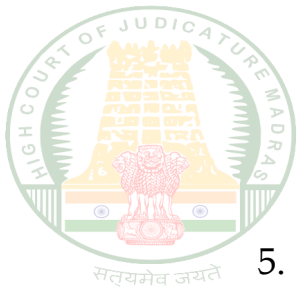
3. Contending that by virtue of the abovesaid order of the Writ Court, the writ petition itself will become infructuous, the writ petitioner has filed this appeal. On the merits of the case, learned counsel appearing for the appellant contended that when there is no statutory rule requiring prior approval, the notice ordered by the Writ Court is based on incorrect legal presumption. He would further contend that since the Director of UGC-Malaviya Mission Teacher Training Centre, North-Eastern Hill University, has invited applications for the refresher course directly from the individual Assistant Professors and not through the colleges, in which they are working, the appellant / writ petitioner applied directly for participation of the said course. However, permission from the college is required to be obtained separately in the form of a 'release order', only after confirmation of selection by the said Malaviya Mission Teacher Training Centre. Such participation of the appellant in the refresher course will be marked as



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'other Duty' in the attendance register of the 3<sup>rd</sup> respondent college, as per the rules. He would also submit that as per Clause 6.4 of the UGC Regulations dated 18.07.2018 and Clause 6.1 of G.O(Ms)No.5, dated 11.01.2021, attending refresher courses is mandatory for the Assistant Professors to seek promotion. Thus, the learned counsel would pray for a direction to the 3<sup>rd</sup> respondent to issue release order forthwith to the appellant.

4. On scrutiny of the appeal papers, the Registry has returned the same, stating that the writ appeal is not maintainable in view of the judgment in W.A.SR.No.50828 of 2021, dated 29.06.2021. The counsel has re-presented the papers with an endorsement that ordering notice of motion is considered to be an interim order, which adversely affects the fundamental rights of the appellant to participate in the refresher course which is mandatory under UGC norms. Hence, the appeal is listed today under the caption 'for maintainability'.

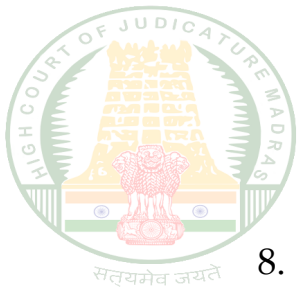


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5. In the decision relied upon by the Registry in *W.A.SR.No. 50828 of 2021, dated 29.06.2021 [R.Rukmangathan vs, TANGEDCo and 3 others]*, it has been held that the appeal has been filed by the appellant therein on mere apprehension that the interim relief is refused by the Court and therefore, it is premature for the appellant therein to file appeal in the absence of any order.

6. However, in the present case, the relief sought for by the writ petitioner itself is to permit him to participate in the Refresher Course in History to be held from 03.03.2025 to 17.03.2025, whereas, the Writ Court ordered notice to the respondents returnable by 18.03.2025. By virtue of the said order, the very prayer in the writ petition will become infructuous. Therefore, it can be held that the said order is appealable by way of intra-court appeal.

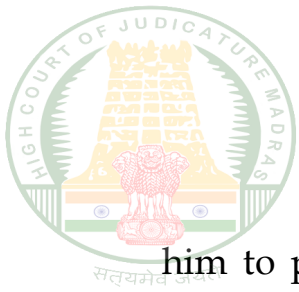
7. In view of the above discussion, we hold that the present writ appeal is maintainable. Registry is directed to number the appeal immediately, if the papers are otherwise in order.



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8. On the merits of the case, on perusal of Clause 6.4 of the UCG Regulations dated 18.07.2018, we find that participation of the appellant in the abovesaid refresher course is mandatory for further promotion. As rightly contended by the counsel for the appellant, permission from the college in the form of release order is required only after selection or confirmation of the appellant's participation by Malaviya Mission Teacher Training Centre. Therefore, after confirmation by the said institution, the appellant sought permission of the 3<sup>rd</sup> respondent college in the form of release order, which was not issued. Hence, he filed writ petition. Finding that the Writ Court also not considered his case and has merely ordered notice returnable by 18.03.2025, thereby, the very prayer in the writ petition will become infructuous, the appellant has filed this appeal.

9. We find force in the contentions of the appellant. Accordingly, we allow this appeal and the impugned order dated 25.02.2025 in W.P(MD)No.5185 of 2025 is set aside. The respondents 3 and 4 are directed to issue the Release Order to the appellant, permitting



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him to participate in the Refresher Course in History to be held from 03.03.2025 to 17.03.2025, in Offline Mode at UGC-Malaviya Mission Teacher Training Centre, North-Eastern Hill University, Shillong, Meghalaya State, forthwith. Counsel for the 3<sup>rd</sup> respondent shall communicate this order to the 3<sup>rd</sup> respondent enabling them to issue release order to the appellant forthwith. No costs. Consequently, connected miscellaneous petitions are closed.

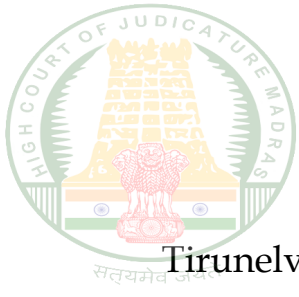
[J.N.B, J.] [S.S.Y, J.]  
28.02.2025

Index : Yes / No  
Neutral Citation : Yes / No  
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To

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Directorate of Collegiate Education,  
No. 577, Anna Salai,  
College Road,  
Chennai 600 015.

2. The Regional Joint Director of Collegiate Education,  
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**J.NISHA BANU, J.**  
**AND**  
**S.SRIMATHY, J.**

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**JUDGMENT MADE IN**  
**W.A(MD)No.458 of 2025**  
**DATED : 28.02.2025**