



W.P.(MD)No.6717 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.6717 of 2025

and

W.M.P.(MD).No.4967 of 2025

The Secretary,
Fatima College (Autonomous),
Mary Land, Madurai-625 018.

... Petitioner

Vs.

1.The State of TamilNadu
Rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai-600 009.

2. The State of TamilNadu,
Rep. by its Secretary,
Department of Finance,
Fort St. George, Chennai-600 009.

3. The Commissioner of Collegiate Education,
College Road, Chennai-600 006.

4. The Joint Director of Collegiate Education,
Palam Station Road, Madurai-625 002.

... Respondents



W.P.(MD)No.6717 of 2025

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to approve forthwith the appointment of 14 non-teaching staff in the petitioner's college and disburse the grant-in-aid towards their salary and allowance w.e.f. The respective dates of their appointment, and pass such further or other suitable orders.

For Petitioner : M/s.A.Amala

For Respondent Nos.1 to 4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and carefully perused the materials available on record.

2. The petitioner college is one among the several recognized educational institutions founded and administered by the St. Joseph's Society of Madurai registered under the Societies Registration Act, 1860. The petitioner college is one of the oldest and highly reputed college in the State. The college offers



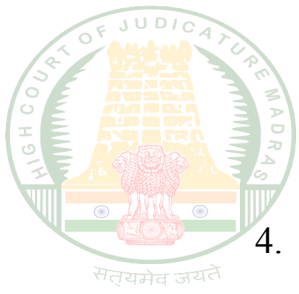
W.P.(MD)No.6717 of 2025

general and secular education in Graduate, Post-Graduate and Research levels.

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There are 4134 students now studying in the college. There are 200 teaching staff and 100 Non-Teaching staff. Out of which, 97 teaching and 56 Non Teaching Staffs are receiving staff grant from the state government. Out of 55 Non-Teaching posts in the college, 23 posts were lying vacant. The College filled 14 Non-Teaching staff who had been serving for long number of years under Management Pay. All the 14 Non-Teaching appointments have been made against vacancies arising in sanctioned posts. The appointments are well within the staff strength fixed as per the norms fixed by the respondents.

3. Accordingly, the petitioner sent proposals to the third respondent vide letter No.70/2024-2025 dated 22.08.2024 seeking for approval of the appointment of those four persons appointed in the sanctioned post of Non-Teaching Staff. As there was no response from the respondents, the petitioner college sent a reminder on 09.10.2024 and on 28.01.2025. Against the inaction of the respondents in consideration of the proposal sent by the petitioner on 22.08.2024, the present writ petition has been filed.



W.P.(MD)No.6717 of 2025

4. The learned Counsel for the petitioner submits that when the appointments are made in the sanctioned vacancy and the proposals are sent to the respondents seeking approval for their appointment, it is the duty of the respondents herein to pass orders in accordance with law. Keeping the proposal pending without passing any order is illegal, arbitrary and unwarranted.

5. The learned Additional Government Pleader appearing for the respondents would submit that the fourth respondent is the competent authority to consider the proposal of the petitioner college to grant approval. The said proposal will be considered in accordance with law and orders will be passed within the time to be stipulated by this Court.

6. Having heard the submissions of the respective counsels and on perusal of the materials available on record, there is no dispute with respect to the facts of the case. As rightly pointed out by the learned Counsel for the petitioner, it is the duty of the respondents to consider the proposals sent by the petitioner college for approval within the reasonable time. It is the duty of the respondents to verify whether such appointments are made against the

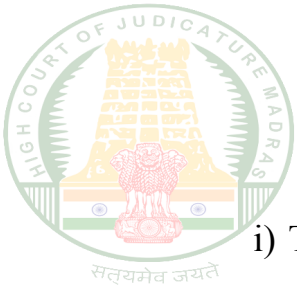


W.P.(MD)No.6717 of 2025

sanctioned vacancies and whether such appointments are made on the basis of qualification prescribed under the TamilNadu Private Colleges (Regulation) Act, 1976 and Rules, 1976. But, keeping that proposal pending months together without passing any orders, amounts to illegal and irrational action of the respondents. In the college, where 4134 students are studying, out of 56 Non-Teaching sanctioned posts, at present 23 posts are lying vacant. Under these circumstances, it is very difficult to the college management for day to day administration of the college affairs without sufficient staff.

7. In view of the same, this Court intends to dispose this writ petition at the admission stage itself with the consent of both parties, with a direction to the fourth respondent to consider the proposal sent by the petitioner on 22.08.2024 in their letter No.70/2024-2025 within the stipulated time period to meet the ends of justice.

8. Accordingly, this writ petition is disposed of with the following directions:



W.P.(MD)No.6717 of 2025

i) The fourth respondent is directed to consider the proposal sent by the petitioner in letter No.70/2024-2025 dated 22.08.2024 by following the relevant Rules within a period of three weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

13.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.6717 of 2025

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To:

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W.P.(MD)No.6717 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.6717 of 2025

13.03.2025