



W.P.(MD)No.8048 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.8048 of 2025

and

W.M.P.(MD)No.6071 of 2025

A.Jasmine

... Petitioner

-VS-

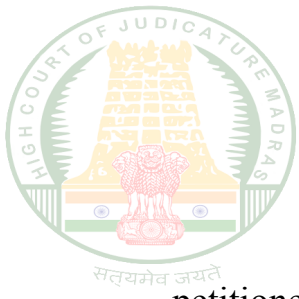
1.The Director of Collegiate Education,
College Road,
Chennai - 600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.

3.The Correspondent cum Secretary,
Nazareth Margoschis College
at Pillaiyanmanai, Nazareth - 628 617,
Thoothukudi District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent Joint Director in Na.Ka.No.10654/Vu3/2024 dated 07.01.2025, quash the same and further direct the second respondent Joint Director to approve forthwith the appointment of the



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petitioner as Assistant Professor in Physics in the third respondent college and to sanction and disburse the grant in aid to the petitioner towards her salary and all other attendant benefits w.e.f. 09.10.2023.

For Petitioner : Mr.T.Cibi Chakraborty

For R1 and R2 : Mr.T.Amjadkhan
Government Advocate

For R3 : Mr.K.Jeyamohan

ORDER

This Writ Petition has been filed challenging the rejection proposal dated 07.01.2025, seeking approval of appointment of the petitioner and consequently, to direct the second respondent to approve the appointment of the petitioner as 'Assistant Professor in Physics' in the third respondent college and to sanction and disburse the grant in aid to the petitioner towards her salary and all other attendant benefits with effect from 09.10.2023.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the respondents 1 and 2 and the learned counsel for the third respondent.



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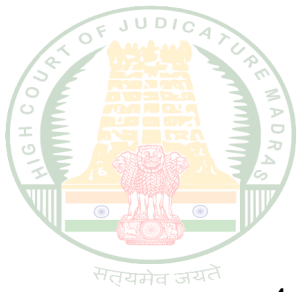
3. When the matter was taken up for hearing, the learned counsels on both sides, submitted that the issue involved in this writ petition is squarely covered by the order of this Court dated 21.03.2025, passed in W.P.(MD)No.1399 of 2025 (**A.Felcy Navajothy vs. The Director of Collegiate Education**). The relevant portion of the said order is extracted hereunder:-

"... 9. Insofar as the reason that the College Management had not sought for prior permission of the authorities for selection are concerned, an Hon'ble Division Bench in the case of P.Ravichandran Vs. State of Tamil Nadu, Rep. by Secretary to Government, Department of Higher Education, Chennai and others reported in (2013) 7 MLJ 641, had dealt with this aspect as to whether prior permission is mandatory to fill up the vacancies arising in a Minority Institution?

10. In paragraph 20 of the said order, such a requirement was held to be not necessary for a Minority Institution, in the following manner:

"20. In the light of the above findings as well as the decisions, we conclude this Judgment in the following manner:

(1) There is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Tamil Nadu Private Colleges (Regulation) Rules, 1976, to seek prior permission to fill up any vacant post in an aided college, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules ..."



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4. In view of the same, by following the order stated supra, this Writ Petition is allowed with the following directions:-

(i) The impugned proceedings issued by the second respondent in Na.Ka.No.10654/Vu3/2024, dated 07.01.2025, is hereby quashed.

(ii) There shall be a direction to the second respondent to pass orders for approving the appointment of the petitioner as Assistant Professor in the Department of Physics with effect from the date of her appointment (i.e., 09.10.2023), within a period of six weeks from the date of receipt of a copy of this order.

(iii) On granting approval of the appointment of the petitioner, the respondents shall disburse the grant-in-aid towards the salary and other attendant benefits to the petitioner, within a period of four weeks thereafter.

No costs. Consequently, the connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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To:-

- 1.The Director of Collegiate Education,
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VIVEK KUMAR SINGH, J.

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