



W.P(MD)No.8054 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.8054 of 2025
and
W.M.P(MD)No.6075 of 2025

S.Benita Jeba Silviya

... Petitioner

Vs.

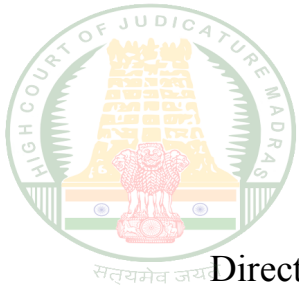
1.The Director of Collegiate Education,
College Road, Chennai-600 006.

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

3.The Correspondent cum Secretary,
Pope's College (Autonomous),
Sawyerpuram-628 251,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court 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.10760/E1/2024, dated 20.01.2025 quash the same and further direct the second respondent Joint



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Director to approve forthwith 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 and pass such further or other orders as this Court.

For Petitioner : Mr.T.Cibichakraborty

For R-1 & R-2 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R-3 : Mr.K.Jeyamohan

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent, dated 20.01.2025 and further direct the second respondent Joint Director to approve forthwith 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.



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2. The learned Counsel appearing for the petitioner submits that the impugned order rejecting the proposal for approval is contrary to the decision of the Division Bench of this Court 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 5 LW 514*** and in W.P(MD)Nos.4636 and 4640 of 2021. He submits that the reasons attributed for rejection that there has been no prior approval for filling up the post as settled by the judgment of the Division Bench of this Court in the case of P.Ravichandran (stated *supra*). Relying upon the said judgement, he submits that the Division Bench of this Court held that there is no necessity under the Act and Rules to fill up a post which has already been sanctioned and therefore, such reason has been only made to reject the lawful claim of the petitioner.

3. He further submit that the reasoning in the impugned order is also fallacious as this Court in W.P(MD)Nos.4636 and 4640 of 2021 had held that the prescription of Form 7A is not applicable to the minority Colleges. Therefore, he seeks to set aside the impugned order.



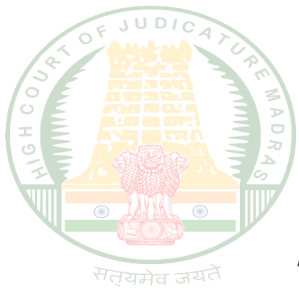
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4. Countering his arguments, the learned Additional Government Pleader appearing for the respondents 1 and 2, by placing reliance on the counter affidavit submits that Form 7A would have to be enclosed as per the Act and Rules governing the institution. He submits that Form 7A agreement have always been submitted by the institution and he further submits that only the institution can be said to be an aggrieved person to maintain a writ petition and not an individual whose approval has been rejected. Since the third respondent institution has not challenged the same, the petitioner cannot claim to be an aggrieved person. Therefore, he prays this Court to dismiss the writ petition.

5. The learned Counsel appearing for the third respondent submit that he adopts the arguments of the learned Counsel appearing for the petitioner.

6. I have considered the arguments advanced by the learned Counsels on either sides.



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7. The respondents had rejected the proposal for approval on the ground that no prior approval had been obtained for filling up the post and that Form 7A agreement had not been enclosed along with the proposal. The requirements of prior sanction and submission of Form 7A in respect of a minority institution is no longer *res integra*. As rightly pointed out by the learned Counsel for the petitioner, the Division Bench of this Court had held that once a post is a sanctioned post, there is no requirement for getting prior approval.

8. Similarly, the learned Single Judge of this Court in W.P(MD)Nos.4636 and 4640 of 2021, had categorically held that the requirements of submitting an agreement in Form 7A is not applicable to the minority institutions. There has been no contra judgments produced on the side of the respondents holding that the aforesaid law laid are no longer *res integra*.

9. In view of the same, this Court is of the view that the reasons attributed in the order impugned would have to be set aside. Accordingly, the impugned order stands quashed and there shall be a



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direction to the first respondent to grant approval for the appointment on the proposal submitted by the third respondent. Such exercise shall be made by the first respondent, within a period of four (4) weeks from the date of receipt of a copy of this order.

10. The writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

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College Road, Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
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K.KUMARESH BABU, J.

BTR

Order made in
W.P(MD)No.8054 of 2025

11.09.2025