



W.P.(MD)No.13709 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.13709 of 2025

and

W.M.P.(MD).No.9878 of 2025

The Secretary,
St. Joseph's College (Autonomous),
Tiruchirapalli-625 002,
Tiruchirapalli District.

... Petitioner

Vs.

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

2. The Commissioner of Collegiate Education,
Saidapet, Chennai-600 0015.

3. The Joint Director of Collegiate Education,
Tiruchirapalli Region, Tiruchirapalli,
Tiruchirapalli District- 620 023.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent Joint Director to disburse forthwith the grant-in-aid towards their salary and other allowances to the 3 Assistant Professors w.e.f 20.07.2022 to 31.03.2023.



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W.P.(MD)No.13709 of 2025

For Petitioner

: Mr.K.Ragatheesh Kumar
for
M/s.Isaac Chambers

For Respondents

: Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents. I have carefully perused the materials available on record.

2. The petitioner is the Secretary of the St. Joseph's College (Autonomous), College which is a minority diocese institution. In the said college, seven posts of Assistant Professor in various Departments fell vacant due to the retirement of then incumbents on 31.05.2022 & 30.06.2022 respectively. In the said vacancies, the college appointed three Assistant Professors with effect from 20.07.2022. Thereafter, the college sent a proposal for approval from the affiliated university. The University gave qualification approval for their appointment vide proceedings dated 16.11.2022. Thereafter, the college submitted a proposal to the third respondent seeking for approval of appointment of the said Assistant Professors with effect from 20.07.2022. The



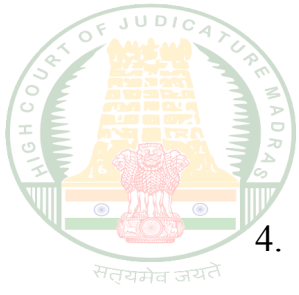
W.P.(MD)No.13709 of 2025

third respondent vide proceedings dated 31.03.2023, granted approval for

appointment of the said Assistant Professors from their dates of appointment.

But, salary was disbursed only from 01.04.2023 and not from the date of their appointment. The arrears of salary from their dates of appointment to till 31.03.2023 are not disbursed till date. The petitioner has submitted representation to the third respondent for disbursement of arrears of salary. But the representation dated 23.01.2025 was not considered. Aggrieved by the inaction of the respondents and to consider the request of the petitioner, the present writ petition is filed.

3. On careful perusal of the materials available on record, it appears that the third respondent granted approval order dated 31.03.2023, wherein, the approval was granted with effect from the date of the appointment of the said Assistant Professors. As and when approval is granted with effect from their date of appointment, the action of the third respondent in disbursing the salary only from 01.04.2023 is illegal, unjust and in violation of Article 21 of the Constitution of India. Further the action of the third respondent in not considering the representation dated 23.01.2025 of the petitioner is unjust.



W.P.(MD)No.13709 of 2025

4. For the reasons stated above, this writ petition is allowed with a direction to the third respondent to disburse those arrears of salary admissible to the three Assistant Professors as mentioned in the writ petition, who are all appointed as Assistant Professors in the petitioner college, for the period from the date of their appointment to 31.03.2023 with all attendant and consequential benefits within a period of eight 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.

30.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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W.P.(MD)No.13709 of 2025

BATTU DEVANAND, J.

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W.P.(MD)No.13709 of 2025

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