



W.P.(MD)No.13663 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.13663 of 2025

and

W.M.P.(MD).No.9849 of 2025

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

... Petitioner

Vs.

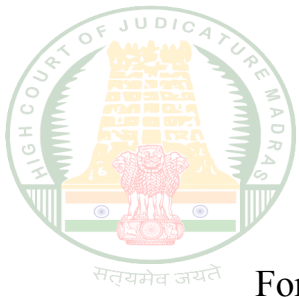
1. The State of TamilNadu,
Rep.by its Principal Secretary,
Department of Higher Education,
Fort. St. George, Chennai-600 009.

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 5 Assistant Professors w.e.f the respective dates of their appointment till 30.09.2022.



W.P.(MD)No.13663 of 2025

WEB COPY

For Petitioner

: Mr.K.Ragatheesh Kumar

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 30.06.2016, 31.07.2016, 31.08.2016, 30.04.2017 and 31.05.2017 respectively. In the said vacancies, the college appointed seven Assistant Professors with effect from 16.06.2017 17.06.2017 & 04.09.2017. Thereafter, the college sent a proposal for approval from the affiliated university. The University gave qualification approval for their appointment vide proceedings dated 12.04.2018. Thereafter, the college submitted a proposal to the third respondent seeking for approval of



W.P.(MD)No.13663 of 2025

appointment of the said Assistant Professors with effect from 16.06.2017

17.06.2017 & 04.09.2017. The third respondent vide proceedings dated 13.10.2022, granted approval for appointment of the said Assistant Professors from their dates of appointment. But, salary was disbursed only from the month of October, 2022 and not from the date of appointment. The arrears of salary from their dates of appointment to till 30.09.2022 are not disbursed till date.

3. In the meantime, among 7 Assistant Professors, one Mr.M.Berchmans, who was serving as Assistant Professor in Department of Commerce in the petitioner college was transferred to St.Xavier's College, Palayamkottai, Tirunelveli District on 10.07.2024, Ms.K.Primrose, Assistant Professor in English got transferred to Arulanandar Collge, Karumattur, Madurai on 01.07.2024 and one Dr.R.Chisthu Raja, Assistant Professor in Department of Physics was terminated from service by the college vide order dated 13.04.2018. Thereafter, the petitioner college resubmitted the proposal along with salary arrears bill to the third respondent Joint director on 23.01.2025 and 01.02.2025 for disbursal of arrears of salary to 5 Assistant Professors other than 2 Assistant Professors who got transferred to other colleges. The petitioner had submitted several representations to the third respondent for disbursement of



W.P.(MD)No.13663 of 2025

arrears of salary. But the said representations were not considered. Aggrieved

by the inaction of the respondents and to consider the request of the petitioner,

the present writ petition is filed.

4. On careful perusal of the materials available on record, it appears that the third respondent granted approval order dated 13.10.2022, 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 the month of October, 2022 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 representations dated 25.01.2025 and 01.02.2025 of the petitioner is unjust.

5. 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 five 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 30.09.2022 with all attendant and consequential



W.P.(MD)No.13663 of 2025

benefits within a period of eight weeks from the date of receipt of a copy of this

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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
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W.P.(MD)No.13663 of 2025

BATTU DEVANAND, J.

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To:

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Department of Higher Education,
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2. The Commissioner of Collegiate Education,
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W.P.(MD)No.13663 of 2025

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