



W.P.(MD)No.15540 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.15540 of 2025

and

WMP (MD) No.11757 of 2025

K.Vinothkumar

: Petitioner

Vs.

1. The Director of Collegiate Education,
College Road,
Chennai - 600006.

2. The Joint Director of Collegeiate Education,
Tirunelveli Region,
Tirunelveli - 627002.

3. The Correspondent Cum Secretary,
Nazareth Margoschis College,
At Pillaiyanmanai,
Nazareth - 628617,
Thoothukudi District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of certiorari Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent Joint Director in Na.Ka.No. 786/Vu3/2024 dated 05.05.2025, quash the same and further direct the 2nd respondent Joint Director to



W.P.(MD)No.15540 of 2025

approve forthwith the appointment of the petitioner as Assistant Professor in Economics in the 3rd respondent college and to sanction and disburse the grant in aid to the petitioner towards his salary and all other attendant benefits w.e.f. 09.10.2023.

For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.T.Amjad Khan

Government Advocate for R1 and R2

ORDER

This Writ Petition has been filed challenging the rejection of proposal dated 05.05.2025, seeking appointment approval of the petitioner and consequently, to direct the second respondent to approve the appointment of the petitioner as 'Assistant Professor in Economics' in the third respondent college and to sanction and disburse the grant in aid to the petitioner towards his salary and all other attendant benefits with effect from 09.10.2023.

2. Heard the learned counsel for the petitioner and the learned Government Advocate, appearing on behalf of the respondents 1 and 2. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with. By



W.P.(MD)No.15540 of 2025

WEB COPY

consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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 Navajoathy Vs. The Director of Collegiate Education***). The relevant portion of the 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?



WEB COPY



W.P.(MD)No.15540 of 2025

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 ... ”

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.786/Vu3/2024, dated 05.05.2025, is hereby quashed;



W.P.(MD)No.15540 of 2025

WEB COPY

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 Economics with effect from his date of 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.

01.07.2025

Index : Yes / No

Internet : Yes / No

PKN

To

1. The Director of Collegiate Education,
College Road,
Chennai - 600006.

2. The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627002.



WEB COPY



W.P.(MD)No.15540 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.15540 of 2025

01.07.2025