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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A(MD) Nos.1450, 1505 & 1742 of 2023
&
C.M.P.(MD)Nos.11636, 11562 & 13282 of 2023

In W.A.(MD)No.1450 of 2023

The Nehru College Committee,
Rep. by its Secretary,
Puthanampatti,
Trichy District.

... Appellant / 4th Respondent

Vs.

1.Charles Britto ... 1st Respondent / Petitioner

2.The State of Tamil Nadu
Rep. by the Secretary to Education Department,
Chennai.

3.The Director of Collegiate Education,
Nungambakkam,
Chennai.

4.The Regional Joint Director,
Collegiate Education,

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Tiruchirappalli.

5.M.Muralidharan

6.R.Periyasamy

Asokan (died)

7.T.Jeyasankari ... Respondents /
Respondents 1 to 3, 5 to 8

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 02.02.2023 passed in W.P.No. 13311 of 2017 on the file of this Court.

For Appellant : Mr.G.Masilamani
Senior Counsel
for M/s.U.Nirmalarajan

For Respondents : Mr.K.Gurunathan
for R1
: Mr.C.Venkateshkumar
Special Government Pleader
for R2 to R4
: Mr.G.Prabhu Rajadurai
for Mr.M.P.Senthil
for R5
: Mr.K.Muthumalai
for R6
: No appearance
for R7

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In W.A.(MD)No.1505 of 2023

1.M.Muralidharan

2.T.Jeyasankari

... Appellants / Respondents 5 & 8

Vs.

1.Charles Britto ... 1st Respondent / Petitioner

2.The State of Tamil Nadu
Rep. by the Secretary to Education Department,
Chennai.

3.The Director of Collegiate Education,
Nungambakkam,
Chennai.

4.The Regional Joint Director,
Collegiate Education,
Tiruchirappalli.

5.The Nehru College Committee,
Represented by its Secretary,
Puthanampatti,
Trichy District.

6.R.Periyasamy ... Respondents /
Respondents 1 to 4, 6

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 02.02.2023 passed in W.P.No. 13311 of 2017 on the file of this Court.

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For Appellant : Mr.G.Prabhu Rajadurai
for Mr.M.P.Senthil

For Respondents : Mr.K.Gurunathan
for R1

: Mr.C.Venkateshkumar
Special Government Pleader
for R2 to R4

: Mr.G.Masilamani
Senior Advocate

for Mr.R.Vigneshwaran
for R5

: Mr.K.Muthumalai
for R6

In W.A.(MD)No.1742 of 2023

R.Periyasamy
... Appellant / 6th Respondent

Vs.

1.Charles Britto ... 1st Respondent / Petitioner

2.The State of Tamil Nadu
Rep. by the Secretary to Education Department,
Chennai.

3.The Director of Collegiate Education,
Nungambakkam,

https://www.mhc.tn.gov.in/judis

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Chennai.

4.The Regional Joint Director,
Collegiate Education,
Tiruchirappalli.

5.The Nehru College Committee,
Puthanampatti, Trichy District,
Represented by its Secretary.

6.M.Muralidharan

7.Asohan (died)

8.T.Jeyasankari ... Respondents 2 to 8 /
Respondents 1 to 5, 7 & 8

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed in W.P.(MD)No.13311 of 2013, dated 02.02.2023 on the file of this Court and allow the writ appeal.

For Appellant : Mr.G.Prabhu Rajadurai
for Mr.K.Muthumalai

For Respondents : Mr.K.Gurunathan
for R1
: Mr.C.Venkateshkumar
Special Government Pleader
for R2 to R4
: Mr.G.Masilamani
Senior Advocate
for Mr.R.Vigneshwaran
for R5
: Mr.M.P.Senthil for R6

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COMMON JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.)**

Heard the learned senior counsel appearing for the appellant in W.A.(MD)No.1450 of 2023 and the learned counsel for the appellant in W.A.(MD)No.1742 of 2023 and W.A.(MD)No.1505 of 2023.

2. All these three writ appeals are directed against the order dated 02.02.2023 made in W.P.(MD)No.13311 of 2017 filed by Thiru.Charles Britto / first respondent in these three writ appeals.

3. The case on hand pertains to approval of the appointments of three lecturers (now redesignated as Assistant Professors) namely Tvl.Muralidharan, Tvl.Periyasamy & Tvl.Ashokan in the Nehru Memorial College, Puthanampatti Village in Trichy District. The said college was founded in the year 1967 by a philanthropist by name Shri.Mookka Pillai. The said college started B.Sc (Computer Science) course in the year 1983. The Directorate of Collegiate Education vide proceedings dated 13.01.1987 sanctioned grant-in-aid for the said course

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with effect from 1984-1985. Vide proceedings dated 14.03.1988, the Directorate of Collegiate Education also sanctioned three posts of Lecturers for the said course in the said College. During the relevant time, one Jeevamani was functioning as College Secretary. It is seen that Muralidharan, Periasamy and Asokan were appointed as Lecturers with effect from 06.11.1987, 26.07.1988 & 08.08.1988 respectively. Since the course had attracted sufficient number of students, the said Jeevamani also appointed Murugan, Mani and Charles Britto on 02.12.1988, 27.01.1989 & 30.01.1989 respectively as lecturers. Dispute arose among the members of the managing committee. When Jeevamani submitted the proposal for approval of the appointment of three lecturers, he chose to send the names of Murugan, Mani and Charles Britto who were appointed in the second lot. The appointing authority approved the same. This gave rise to series of litigation. It is not necessary for the present purposes to go into the trajectory of those events. Suffice it to say that, even though the competent authority chose to approve the appointment of Murugan, Mani and Charles Britto, the College management did not submit any proposal for release of their salary or for sanctioning of their increment. That led to filing of W.P.(MD)Nos.7504, 7505 & 7507 of

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2001. All the three writ petitions were allowed by the common order dated 06.02.2003. Aggrieved by the same, the college management as well as two of the lecturers who were appointed in the first lot filed writ appeals. Vide common order dated 11.03.2008, the Hon'ble Division Bench even while sustaining the order of the learned single Judge gave a direction to the Government to consider sanctioning of additional posts. Pursuant to the direction given by the Hon'ble Division Bench, the Government issued G.O.(3D)No.1, Higher Education (E2) Department, dated 06.02.2017. Paragraph No.6 of the said G.O reads as follows:-

> "6. The Government have carefully examined the proposal of the Director of Collegiate Education in the light of the orders of the Hon'ble High Court of Madras in the references first and second read above and decided to regularize the services of Tvl.M.Muralidhran, R.Periyasamy and M.Ashokan as Lecturers in Computer Science Department in Nehru Memorial Collge, Puthanampatti, Trichy District. Accordingly, the Government direct that the services of Tvl.M.Muralidharan and R.Periyasamy be regularized as Lecturer in Computer Science Department in Nehru Memorial College in Puthanampatti, Trichy District from the date of their appointments ie., 06.11.1987 and 26.07.1988 respectively by accommodating them in the 5 posts of Lecturers in Computer Science Department eligible from the year 1987-1988 to the said college and the service of Thiru.M.Ashokan be regularized as Lecturer in Computer Science Department in the said college with effect from 1.06.1994 by

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accommodating him in the one post of Lecturer in Computer Science Department eligible from the year 1994-95 to the said College, based on the work load. The Director of Collegiate Education is directed to sanction two posts of lecturers for the year 1987-88 and one post of lecturer for the year 1994-95 in Computer Science Department in Nehru Memorial College, Puthanampatti, Trichy District with grant. The individuals referred above are entitled for payment of arrears of salary from the date of regularization of their services as mentioned above after deducting Income Tax and other deduction as per rules in force."

Questioning the same, Charles Britto filed W.P.(MD)No.13311 of 2017. The learned single Judge vide order dated 02.02.2023 quashed the G.O and allowed the writ petition in the following terms:-

"16. As held supra, the appointment of Muralidaran and others cannot be sustained in law since they were appointed in the year 1987 when there was no sanctioned post (three posts were sanctioned on 14.03.1988), they were appointed without following the selection process, when they participate in the selection process they were unsuccessful candidates, they were not selected by the selection committee, hence the college has not submitted any proposal of approval and the Department has not approved their appointment. On the other hand, the Charles Britto and others had participated in the selection process, they were selected by the committee, they were appointed in the sanctioned post, the department had approved their appointment. Moreover, based on the orders of the writ petitions and writ appeal they are getting salary. It is pertinent to mention here that the college has to follow the qualification prescribed by UGC and the

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recruitment rules, reservation and other selection process should be followed as per the sanctioned order. If there is any violation the Department would not approve the appointment of the Charles Britto and two others. In the present case when the department has approved their appointment. On the other hand the 4th respondent has accepted that the said Jeevamani has not submitted the selection of Muralidharan and two other for approval, which means they were not appointed and approved at any point of time.

17. Since the college appointed the said Muralidharan and others without any sanctioned post, the said Muralidharan and others ought to be treated under the category of management employee and pay salary under self-finance category. Infact the learned counsel appearing for the 4th respondent submitted that the salary is paid to the respondents 5 to 7 by the Management from their own source. Let the management continue to pay salary on their own funds. The said Muralidharan and others are entitled to salary from the management from the date of appointment. Since this Court is of the considered opinion that the said Muralidharan and others are management employee, the question of seniority of the said Muralidharan and others Vs the Charles Britto and others would not arise. For these reasons the impugned order is liable to be quashed and the same is quashed.

18. At this juncture the Learned Counsel appearing for the College submitted that college is entitled to sanctioning of post with grant-in-aid from 2007 onwards. And also submitted the data of work load and the students' strength of the college. It is seen from the data that the college is in need of six professors. The College is at liberty to submit the said proposal to the Department and the appropriate authority shall considered the same and pass orders. It is made clear that this court is not expressing any opinion on this proposal seeking

https://www.mhc.tn.gov.in/judis

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sanction of additional post from 2007 onwards. It is also made clear that the college is entitle to be considered for the future only and not retrospectively.

19. This is a classic case of mismanagement but claiming financial assistance by arm twisting the Government without any basis and with high handedness. The college has totally misconstrued the issue and is claiming huge amount as grant-in-aid for salary by crook or hook. The college is doing business under the guise of running educational institution. However, the learned counsel appearing for the 4th respondent has projected, as if the college committee was misguided or mismanaged by one Jeevamani. But the said Jeevamani and Ponnambalam are brothers and it is the fight between brothers. It is pertinent to state that the counter affidavit filed by the 4th respondent management is the son of the said Ponnambalam. The educational institutions are creating management disputes and in all such disputes the core issue would be who is empowered to appoint the teaching and non-teaching staffs and this present case is one such classic case. Because of this reason this Court is inclined to impose cost on the management, so that this would restrain the educational institutions from such management disputes. Hence the 4th respondent management is imposed with a cost of Rs.10,000/- payable to "Aiswaryam Trust, Indian Bank, Tirunagar Branch, Madurai, Account No.6639017788, IFSC IDIB000T032"."

Questioning the said order, the college management as well as Tvl.M.Muralidharan and Shri.R.Periasamy as well as the legal heir of Shri.M.Asokan have filed these writ appeals.

https://www.mhc.tn.gov.in/judis

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4. As rightly contended by the learned senior counsel appearing for the appellants, Charles Britto cannot be said to be an aggrieved individual in any sense of the term. It is well settled that in service matters, only an aggrieved individual can maintain the writ petition. By the impugned G.O, the Government had only approved the appointments of Tvl.Muralidharan and Tvl.Periyasamy and Tvl.Asokan. We fail to understand as to how this could have been affected the rights of Charles Britto. In the affidavit filed in support of the writ petition, Charles Britto of-course laments about the loss caused to the State Exchequer. If that be so, the remedy was to file only a Public Interest Litigation. In that event, the writ petition would have been listed before the Hon'ble Division Bench holding the roster and not before the learned single Judge. In Paragraph No.12 of the affidavit, Charles Britto has projected as if his seniority has been adversely impacted by issuance of the impugned G.O.

5. The learned senior counsel appearing for the college management has demonstrated that the approval of the appointments of the three Lecturers in the first lot did not in any way affect Charles

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Britto's seniority. In the second lot, Charles Britto was ranked third. Tvl.Murugan and Tvl.Mani were ranked above him. Murugan did not opted for the post of HOD. It was Mani who opt for the post of HOD and he held that post from 2018 till his retirement in 2024. Following the retirement of Mani on 30.04.2024, Charles Britto became the HOD. Since Charles Britto is not having P.HD qualification, he can never hope to become the Principal of the college.

6. Looked at from any angle, Charles Britto will not be qualified to be called as an aggrieved individual. Once we come to this conclusion, the logical corollary is that the writ petition filed by him was not maintainable. The learned single Judge did not take note of this fundamental aspect. The order of the learned single Judge is set aside.

7. The Writ Appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (K.R.S., J.)
18.08.2025

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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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W.A(MD) Nos.1450, 1505 & 1742 of 2023

18.08.2025

https://www.mhc.tn.gov.in/judis