

W.P.(MD).No.19937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.19937 of 2025

and

W.M.P(MD)Nos.15355 and 15356 of 2025

Dr.E.Roshan Ara Begum

...Petitioner

Vs

1.The Commissioner of Collegiate Education,

I.A.S.E.Campus,

577, Anna Salai,

Saidapet, Chennai - 600 015.

2.The Regional Joint Director of Collegiate Education,

Madurai Region,

Madurai.

3.The Secretary,

Dr.Zakir Husain College,

Illayangudi,

Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the second respondent made in O.Mu.No.7179/E2/2024 dated 16.09.2024 and O.Mu.No.323/Voo3/2025 dated 07.04.2025 and quash both the orders



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and consequently direct the respondents 1 and 2 to approve the appointment of the petitioner as Assistant Professor in Zoology and release the salary and all other attendant benefits to the petitioner from the date of appointment i.e., 03.10.2022.

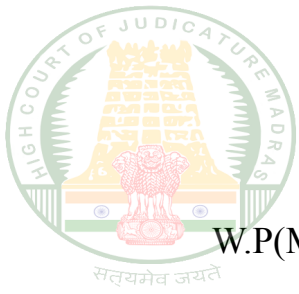
For Petitioner : Mr.N.Dilip Kumar
For Mr.E.Martin Jaya Kumar

For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned orders passed by the second respondent dated 16.09.2024 and 07.04.2025 and for a consequential direction to the respondents 1 and 2 to approve the appointment of the petitioner as Assistant Professor in Zoology and release the salary and all other attendant benefits to the petitioner from the date of appointment i.e., 03.10.2022.

2. The learned counsel 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



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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)No.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.

4. Countering his arguments, the learned Additional Government Pleader 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



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

6. 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.

7. Similarly, the learned Single Judge of this Court in W.P(MD)Nos.4636 and 4640 of 2021, had categorically held that the



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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*.

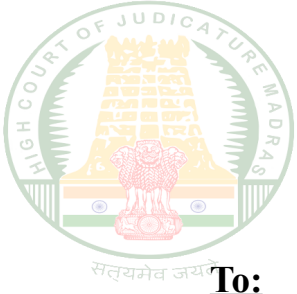
8. In view of the same, this Court is of the view that the reasons attributed in the order impugned would have to be set aside. Accordingly, the impugned orders stand quashed and there shall be a direction to the second respondent to grant approval for the appointment on the proposal submitted by the third respondent. Such exercise shall be completed by the second respondent within a period of 4 weeks from the date of receipt of a copy of this order.

9. The writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

11.09.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

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K.KUMARESH BABU, J.

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