



WP(MD). Nos.24558 to 24563 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). Nos.24558 to 24563 of 2025

R.Kirubha	... Petitioner in WP(MD)No.24558 of 2025
M.Shanthi	... Petitioner in WP(MD)No.24559 of 2025
I.Merlin	... Petitioner in WP(MD)No.24560 of 2025
C.Valarmathi	... Petitioner in WP(MD)No.24561 of 2025
Golda Grace Duraisingh	... Petitioner in WP(MD)No.24562 of 2025
D.Merlin Suganthi	... Petitioner in WP(MD)No.24563 of 2025

Vs

1. The Secretary to Government,
Department of Higher Education,
St.George Fort, Chennai.

2. The Director of College Education,
D.P.I.Compound,
College Road, Chennai.

3. The Regional Director of College Education,
Tirunelveli District,
Tirunelveli.



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4. The Correspondent,
Sarah Tucker College,
Palayamkottai,
Tirunelveli District.

5. The Registrar,
Manonmaniam Sundaranar University,
Tirunelveli District,
Tirunelveli.

... Respondents

COMMON PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other appropriate Writ or Order or direction in the nature of Writ, directing the 2nd and 3rd respondents to approve the appointment of the petitioners as Assistant professor in Chemistry, Mathematics, Chemistry, Tamil, Economics and History in the 4th respondent college and to sanction and disburse the grant in aid to the petitioner towards her salary and all other attendant benefits w.e.f.28.04.2023.

For Petitioner : Mr. S.Chella Pandian,
Advocate.

For Respondents : Mr.N.Satheesh Kumar for R1 to R3
Additional Government Pleader

Mr.Mahaboob Athiff for R5



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ORDER

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These Writ Petitions are filed to issue a Writ of Mandamus, directing the second and third respondents to approve the appointment of the petitioner as Assistant professor in Chemistry, Mathematics, Chemistry, Tamil, Economics and History in the 4th respondent college and to sanction and disburse the grant in aid to the petitioner towards her salary and all other attendant benefits w.e.f.28.04.2023.

2. When the matter was taken up for hearing, learned Additional Government Pleader appearing for respondents 1 to 3 filed a common counter affidavit, indicating that upon perusal of the proposal, procedural lapses and violations have been noted. The counter affidavit enumerates details of the lapses / violations which are as follows:

" 1. That the post has been filled up without obtaining any financial related approval as per Rule 11(1) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976.

2. That Form -7A was not sent to the second respondent Commissioner / Director on 28.04.2023 as per Rule. 11(2) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976;

3. The details of the candidates applied through



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newspapers notification for the above said post was not furnished;

4. That details of the list of candidates appeared for interview and the statement of marks given by the selection committee was not enclosed.

5. That the university appointed subject expert in the selection committee was not available as prescribed by the University Grants Commission."

3. As regards to the first violation that has been noted above, relating to the financial approval as per Rule 11(1)(A) of the Tamil Nadu Private Colleges Regulations Act, 1976, the said issue is already covered by the Hon'ble Division Bench Judgement of this Court reported in **2013(7) MLJ 641** in the case of ***P.Ravichandran Vs. State of Tamil Nadu, represented by Secretary to Government, Department of Higher Education, Chennai and others.*** It has been categorically held that in respect of the minority institutions, private aided college management, the Director of Collegiate Education cannot insist to get prior permission to fill up vacant posts in the sanctioned posts. Therefore, the said violation cannot be put against the petitioner.



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4. As regards, the non submission of Form-7A, a learned Single Judge of this Court in W.P(MD)Nos.4636 and 4640 of 2021 dated 30.06.2022, had held that in view of exclusion of minority colleges from the purview of Section 11 of the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Rules, the requirement of Form-7A in respect of Minority institutions cannot be insisted upon. Hence, the violation complained is also not well-founded.

5. As regards, the procedural lapses, mentioned in Sl.Nos.3 and 4, it is not the case of the respondent that there has been a violation of procedure. It is also to be further noted that there has been no complaint received from any other candidate who has participated in the selection process alleging irregularities. Therefore, there is no necessity to insist upon such details. It is the claim of the respondent department that the university appointed subject expert in the selection committee was not available as prescribed under University Grants Commission.



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6. In that context, it is to be noted that the fifth respondent university had granted approval of the educational qualification of the respective petitioners. In such view of the matter, the claim of the respondent that there has been no committee constituted under the University Grants Commission guidelines would also have to follow.

7. In view of the aforesaid reasons, this Court is of the view that the reasons that have been attributed by the respondents to reject the claim of the petitioner cannot be upheld.

8. In this view of the matter, the writ petitions are allowed. There shall be a direction to the third respondent to process the approval of the appointment of the petitioners as Assistant Professor in the respective fields in the fourth respondent college and grant approval and disburse the grant in aid in the petitioner's salary and all other attendant benefits with effect from the date of their initial appointment. No costs.

17.11.2025

NCC : yes / no
Index : yes / no
Internet : yes / no
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K.KUMARESH BABU, J

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