



W.P.(MD).No.27031 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.27031 of 2024
and
W.M.P(MD)No.22918 of 2024

Dr.D.Ahino Mary,
Assistant Professor,
Department of Botany,
Sarah Tucker College (Autonomous)
Tirunelveli – 627 007,
Tirunelveli District.

...Petitioner

Vs

- 1.The Director of Collegiate Education,
College Road,
Chennai 600 006.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli 627 002.
- 3.The Correspondent Cum Secretary,
Sarah Tucker College,
Tirunelveli 627 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the first



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respondent Commissioner / Director in Na.Ka.No.20933/F4/2024-1 dated 18.10.2024, quash the same and further direct the respondents 1 and 2 to approve the appointment of the petitioner as Assistant Professor in Botany in the third 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.T.Cibichakrborthy
For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R3 : Mr.P.P.Alwin Bala

ORDER

This writ petition has been filed challenging the impugned order passed by the first respondent dated 18.10.2024 and for a consequential direction to the respondents 1 and 2 to approve the appointment of the petitioner as Assistant Professor in Botany in the third 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. The learned counsel for the petitioner submits that the impugned order rejecting the proposal for approval is contrary to the decision of the



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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 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



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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 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. The learned counsel for the third respondent submit that he adopts the arguments of the learned counsel for the petitioner.

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

7. 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



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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.

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

9. 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 order stands quashed and there shall be a direction to the first respondent to grant approval for the appointment on the proposal submitted by the third respondent. Such exercise shall be made by the first respondent within a period of 4 weeks from the date of receipt of a copy of this order.



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WEB COPY 10. The writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

10.09.2025

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

To:

- 1.The Director of Collegiate Education,
College Road,
Chennai 600 006.
- 2.The Joint Director of Collegiate Education,
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Tirunelveli 627 002.
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K.KUMARESH BABU, J.

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