



WEB COPY



WP(MD)No.24856 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.24856 of 2025 &
WMP.(MD).Nos.19521 & 19522 of 2025

The Secretary,
Fatima College (Autonomous)
Mary Land, Madurai – 625 018.

... Petitioner

/vs./

1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Higher Education,
Fort St., George, Chennai - 600 009.

2.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Finance,
Fort St., George, Chennai – 600 009.

3.The Commissioner of Collegiate Education,
College Road, Chennai – 600 006.

4.The Joint Director of Collegiate Education,
Palam Station Road,
Madurai – 625 002

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the fourth respondent Joint Director in O.Mu.No.



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3682/e2/2025, dated 07.05.2025, quash the same and further direct the respondents herein to approve forthwith the appointment of 7 office Assistants (Name List annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f., the respective dates of their appointment without reference to G.O.Ms.No.128, Finance (Ze-Bag) Department, dated 21.12.2006 and pass such further order.

For Petitioner : Mr.A.Amala

For Respondents : Mr.N.Satheesh Kumar AGP for RR1 to R4

ORDER

This Writ Petition had been filed to quash the impugned proceedings of the fourth respondent Joint Director in O.Mu.No.3682/e2/2025, dated 07.05.2025, and further direct the respondents herein to approve forthwith the appointment of 7 office Assistants (Name List annexed) in the petitioner's college and disburse the grant-in-aid towards their salary and allowances w.e.f., the respective dates of their appointment without reference to G.O.Ms.No.128, Finance (Ze-Bag) Department, dated 21.12.2006.

2. The petitioner's proposal for appointment to the post of Office Assistants of various individuals had been rejected based upon the Government Order in G.O.Ms.No.128, that for every 12 non-teaching staffs only one Office Assistant



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could be permitted and therefore, the petitioner could only fill up two Office Assistants and not seven Office Assistants as made by the petitioner college.

3. The learned Single Judge of this Court by applying the principles laid down by a Division Bench of this Court in W.A.No.2096 & 2124 of 2019, dated 19.07.2019, had held that a minority institution like that of the petitioner college is protected under Article 30 of the Constitution of India insofar as the Administration concerned and that there cannot be any erosion of any such protection and hence, set aside the orders impugned therein which had been passed relying upon the G.O.Ms.No.128, dated 21.12.2006.

4. This Court is of the considered view that the aforesaid judgment made in by the learned Single Judge in W.P.No.7819 of 2024 and 9005 of 2025, dated 19.03.2025 squarely applies to the facts of the said case.

5. In such view of the matter, the Writ Petition is allowed and the impugned order herein is set aside and there shall be a direction to the respondents to grant approval for the appointments of the staffs, of which approval had been rejected under the impugned order herein. Such exercise shall be made by the respondents, within a period of twelve (12) weeks from the date of receipt of a



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copy of this order. However, there shall be no order as to costs. Consequently,

connected Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No

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K.KUMARESH BABU, J.

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