



WP(MD). No.26559 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/09/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.26559 of 2025

and

WMP(MD)No.20599 of 2025

P.Gunasekaran

Vs

... Petitioner

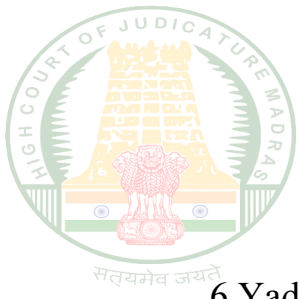
1. The Secretary to the Government,
Higher Education Department,
Secretariate, Chennai -9.

2.The Director of Collegiate Education,
Institute of Advanced Study in Education Campus,
577, Anna Salai, Saidapet, Chennai - 600 015.

3.The Joint Director of Collegiate Education,
Madurai Region, Palam Station Road,
Madurai - 625 002, Madurai District.

4.The Registrar (General),
Madurai Kamaraj University,
Palkalai Nagar, Madurai.

5. The University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110002.



WP(MD). No.26559 of 2025

6.Yadava College,
Represented through its Secretary,
Govindarajan Campus, Tirupalai,
Madurai - 625014.

7.Yadavar Kalvi Nidhi
a Registered Society (Reg.No.85/1962)
Represented through its Secretary,
Govindarajan Campus, Tirupalai,
Madurai- 625 014.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 and 2 from giving effect to the to the proceedings bearing No.TNDCE/251/2025-G3 dated 26.08.2025, granting permission for the appointment of 42 Teaching and 12 Non-Teaching staff in the 6th respondent institution, namely, Yadava College, Tiruppalai, Madurai, and consequently restraining the 6th respondent from proceeding with the selection and appointment process pursuant to the notification issued in Tamil Daily The Hindu dated 17-09-2025 and English Daily New Indian Express dated 17-09-2025, until the disposal of the Civil Suit in O.S.No.472/2025 on the file of the VI Additional District Judge, Madurai pending before the VI Additional District Court, Madurai.

For Petitioner : Mr. Sricharan Rengarajan
Senior Counsel
for M.Ponniah
Advocate.



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WP(MD). No.26559 of 2025

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

For R6 and R7 : Mr.E.V.N.Siva

ORDER

Heard Mr. Mr. Sricharan Rengarajan, learned Senior Counsel for the petitioner, Mr. N.Satheesh Kumar, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr. E.V.N.Siva, learned counsel appearing for respondents 6 and 7.

2. Learned Senior Counsel would submit that the petitioner is a member of the 7th respondent Society running a college under the name and style of Yadava College, Thiruppalai, Madurai, Tamil nadu. He would submit that this Court in its order made in W.P.(MD)No.13579 of 2011 etc. batch dated 05.03.2013 had issued various directions to take appropriate action by conducting an enquiry in respect to the seventh respondent society. He would further submit that in a further batch of writ petitions, challenges were made seeking for a direction to the administrator to issue copies of various documents relating to the election conducted to the 7th respondent society, the order issued by the

3/10



WP(MD), No.26559 of 2025

second respondent dated 24.01.2024 to set at naught the Form-VII filed by the learned administrator and also a further order of the second respondent permitting an individual to act as a Secretary of the College Committee of the 6th respondent. Various orders were passed by the learned Single Judge of this Court which came to be challenged in an intra Court appeal in WA(MD)No.730 of 202 etc., wherein the Hon'ble Division Bench of this Court holding that such disputes cannot be decided in a writ petition and should only be agitated before the jurisdictional civil Court, permitted the appellants therein to join together and file a comprehensive suit before the Principal District Court, Madurai and on such filing of the suit had directed the learned trial Judge to dispose of the said suit, uninfluenced by any of the findings made by the learned Single Judge. Pursuant to which, a suit in O.S.No.472 of 2025 had also been instituted and the same is pending on the file of the VI Additional District Judge, Madurai. He would submit that pending the suit, the 6th respondent College had issued a notification inviting applications for filling up teaching and non-teaching posts in the College. He would submit that when the validity of the administration and functioning of the 6th respondent college is directly in issue in the suit



WP(MD). No.26559 of 2025

filed by the petitioner and another, such recruitment process, if undertaken, would seriously prejudice the rights of the parties and render the civil proceedings infructuous. He would submit that the official respondents 1 and 2 have also granted permission for appointment of both the teaching and non-teaching staffs in the said College. On knowing of the same, legal notices have been issued calling upon the respondents not to proceed with the selection process and the same is yet to be replied. Hence he had approached this Court with the present writ petition seeking for a Mandamus not to give effect to the proceedings granting permission and restrain the 6th respondent from proceedings with the selection process till the disposal of the suit initiated by the petitioner and another.

3. Countering his argument, the learned Additional government pleader would submit that vacancies were arisen in the sanctioned post in the 6th respondent which is an aided college and therefore on the proposal sent by the college, the permission had been granted. He would submit that the 6th respondent being an Educational Institution, cannot be permitted to operate without sufficient teaching and non-teaching staffs.



WP(MD). No.26559 of 2025

He would further submit that the writ petition has not been filed challenging the same, but had been innocuously filed seeking for a direction not to give effect to the proceedings, which would only been, then there is no error in granting of the permission.

4. Mr.E.V.N.Siva, learned counsel appearing for respondents 6 and 7 would submit that the petitioner having filed a suit with regard to the management of the 6th and 7th respondents, on the allegation that the management is not proper, cannot be permitted to raise such issues in the present writ petition. He would submit that the averments in the affidavit filed in support of this writ petition would disclose that such filling up of a post should not be made pending disposal of the suit. He would further submit that the allegation made by the petitioner is that since the management is not proper, the 6th respondent college should not be permitted to fill up the vacancies. He would further submit that the Hon'ble Division Bench of this Court had categorically held that the dispute with regard to the management cannot be canvassed in a writ petition and directed the parties to file a suit and the petitioner along with another person has also filed a suit. Therefore, he would submit that the



WP(MD). No.26559 of 2025

petitioner cannot be allowed to re-agitate the very same claim made by him in the writ petition to fill up the vacancies. Hence he seeks dismissal of the writ petition.

5. I have considered the submissions made by the learned counsel on either side.

6. This Court in W.A(MD)No.730 of 2025 etc. batch, had held that the dispute between the parties could only be agitated in a civil dispute and had permitted and granted liberty to file a suit. It is not disputed that the suit in O.S.No.472 of 2025 had been filed and the same is pending on the file of the VI Additional District Judge, Madurai. On perusal of the averments filed in support of the writ petition would show that the petitioner alleges mis-manangement in the 6th and 7th respondent institution by the managing committee and therefore, the relief sought for in the writ petition is also not to fill up the said vacancies till the disposal of the suit in O.S.No.472 of 2025. As already a Hon'ble Division Bench of this Court had held that such dispute in the management of the 6 and 7th respondents cannot be agitated in a writ petition, this Court is of the



WP(MD). No.26559 of 2025

opinion that the dispute as raised by the petitioner with regard to the management not to fill up the vacancies can also be agitated by him before the civil Court in the suit initiated by him.

7. For the aforesaid reasons this Court is not inclined to entertain the writ petition and accordingly this writ petition stands dismissed. However, the petitioner is at liberty to approach the civil Court by taking out an interlocutory application raising all the grounds made in this writ petition and seek for appropriate relief. If such application is filed, this Court requests the learned VI Additional District Judge, Madurai to expeditiously dispose of the said interlocutory application, however not later than 30.10.2025. No costs. Consequently, connected miscellaneous petition stands closed.

25.09.2025

NCC : Yes / No

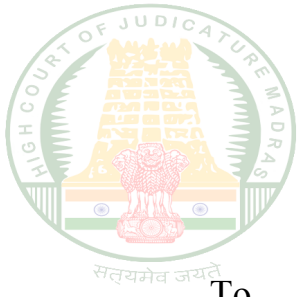
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Internet : Yes / No

Note: Issue order copy on **26.09.2025.**

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8/10



WP(MD). No.26559 of 2025

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K.KUMARESH BABU, J.

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