



W.A(MD)No.858 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.858 of 2025
and
C.M.P(MD)No.5717 of 2025**

1.The Director of Collegiate Education,
College Road,
Chennai – 600 006.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli – 627 002.

... Appellants/Respondents 1 & 2

Vs.

1.S.Sophia Christina

... 1st Respondent/Writ Petitioner

2.The Correspondent cum Secretary,
St.Johns College, Palayamkottai,
Tirunelveli – 627 002.

... 2nd Respondent/3rd Respondent

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 08.04.2024 made in W.P(MD)No.3873 of 2024 on the file of this Court.



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For Appellants : Mr.J.Ashok
Additional Government Pleader

For R – 1 : Mr.T.Cibi Chakraborty

JUDGMENT

(Judgment of the Court was delivered by S.SRIMATHY, J.)

The present Writ Appeal is filed by the respondents 1 and 2 in the writ petition challenging the order passed in W.P(MD)No.3873 of 2024, dated 08.04.2024.

2. The Writ Petition was filed to quash the impugned proceedings of the first appellant dated 08.11.2023 and to direct the appellants 1 and 2 to approve her appointment as Assistant Professor (English) in the second respondent College and sanction and disburse the grant-in-aid to her towards her salary and all other benefits with effect from 02.12.2020.

3. The petitioner was appointed as Assistant Professor (English) by the second respondent College vide appointment order dated 02.12.2020. Thereafter, the College submitted proposal to the Manonmaniam Sundaranar



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University to grant qualification approval to the appointed candidate and the same was considered by the University and the approval was granted vide proceedings dated 06.04.2023. Thereafter, along with the qualification approval, the school submitted the proposal to the Education Department, on 02.05.2023 requesting to approve the appointment. Since the same has not been considered, the writ petitioner filed a Writ Petition in W.P(MD)No.19495 of 2023 and this Court, by order dated 03.06.2023, directed the first appellant to dispose the proposal submitted by the second respondent College dated 02.05.2023 seeking for appointment approval, within a period of eight weeks. However, the first appellant failed to comply with the same. Hence, the writ petitioner filed a Contempt Petition in Cont.P(MD)No.2568 of 2023. After filing the abovesaid contempt petition, the first appellant vide proceedings dated 08.11.2023 rejected the proposal submitted by the College stating that the second respondent College had filled up the post of Assistant Professor (English) without obtaining prior permission. Challenging the same, the writ petitioner has filed the Writ Petition.

4. The Writ Court has considered the writ petition and quashed the impugned proceedings of the first appellant, dated 08.11.2023 and directed the



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appellants to consider the proposal of the second respondent College dated 02.05.2023 afresh and pass orders in accordance with law, within a period of eight weeks from the date of receipt of copy of the order. Aggrieved over the same, the present Writ Appeal is filed by the respondents 1 and 2 in the writ petition.

5. The contention of the appellants is that, even as per the writ petitioner's own admission, she was appointed by the College Management on 02.12.2020. However, the proposal seeking approval was submitted by the College Management only on 02.05.2023, and that too in an incomplete manner. When queries were raised, the College Management, instead of providing a proper explanation, instigated the writ petitioner to file a Writ Petition and a Contempt Petition, thereby forcing the Department to pass final orders on the incomplete proposal submitted by the College Management. This, in turn, resulted in litigation. The further contention is that if the proposal had been submitted in a complete manner by the College Management, along with appropriate clarifications to the queries raised by the Department, the Department would have been in a position to pass orders after pointing out all the relevant



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reasons. However, in the present case, the Department was unable to provide all the reasons in a single return due to the incomplete proposal and the absence of proper clarification or explanation from the College Management regarding the queries raised. This led to the rejection of the proposal, and the Department cannot be faulted for the same. Therefore, the writ court ought not to have quashed the reasons assigned for returning the proposal and directed the Department to reconsider the proposal afresh without insisting on prior permission from the Department.

6. The writ petitioner's appointment in the post of Assistant Professor (English) was not approved by the first appellant on the sole ground that the second respondent College had not obtained permission before filling up the said post.

7. This issue has already been dealt in detail by the Division Bench of the Principal Bench of this Court in the case of ***P.Ravichandran vs. State of Tamil Nadu, rep. by Secretary to Government, Department of Higher Education, Fort St.George, Chennai and others*** reported in ***2013 5 LW 514*** an



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wherein it is clearly held that there is no requirement to seek permission to fill up any sanctioned vacant post in an aided College. In the instant case, it is not in dispute that the appointment of the writ petitioner was made in respect of sanctioned vacancy. Manonmaniam Sundaranar University had also granted qualification approval to the writ petitioner which would show that the writ petitioner is eligible and qualified to be appointed as Assistant Professor (English). Therefore, this Court is not inclined to entertain the Writ Appeal.

8. Accordingly, this Writ Appeal is dismissed. The first appellant is directed to consider the proposal of the second respondent College dated 02.05.2023 afresh and pass orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
07.04.2025

NCC : Yes / No
Index : Yes / No
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ORDER MADE IN
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DATED : 07.04.2025