

W.A.(MD)Nos.158 to 161 of 2025

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DATED : 24.02.2025

CORAM:

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

W.A(MD)No.158 to 161 of 2025
and
C.M.P.(MD).Nos.1040 to 1043 of 2025

W.A(MD)No.158 of 2025:

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli – 627 002.

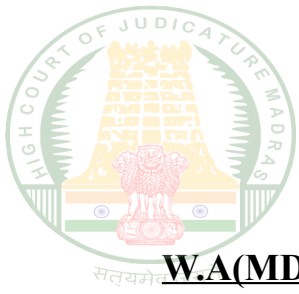
... Appellants

Vs.

- 1.R.Stella
- 2.The Correspondent Cum Secretary,
St.Johns College, Palayamkottai,
Tirunelveli – 627 002.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.5668 of 2024, dated 17.04.2024.



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W.A(MD)No.159 of 2025:

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.
- 3.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli – 627 002.

... Appellants

Vs.

- 1.R.Anto Sindhuja
- 2.The Correspondent Cum Secretary,
St.Johns College, Palayamkottai,
Tirunelveli – 627 002.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.5669 of 2024, dated 17.04.2024.

W.A(MD)No.160 of 2025:

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of Collegiate Education,
College Road,
Chennai – 600 006.



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

... Appellants

Vs.

1.S.Shymala Malini

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

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.5670 of 2024, dated 17.04.2024.

W.A(MD)No.161 of 2025:

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

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

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

... Appellants

Vs.

1.S.Samuel Jude Frank

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

... Respondents



W.A.(MD)Nos.158 to 161 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.5671 of 2024, dated 17.04.2024.

In all cases:

For Appellants :Mr.J.Ravindran
Additional Advocate General
assisted by Mr.J.Ashok
Special Government Pleader

For R1 :Mr.J.Cibi Chackraborty

COMMON JUDGMENT

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

The present Writ Appeals are filed by the respondents in the writ petitions challenging the orders passed in Writ Petitions, dated 17.04.2024.

2. The Writ Petitions were filed for Writ of Mandamus directing the respondents to approve forthwith the appointment of the petitioners with effect from the date of their initial appointment and to disburse their salary with all attendant and other service benefits from the date of appointment.

3. The petitioner in W.P.(MD)No.5668 of 2024 was appointed by the



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2nd respondent college vide appointment order dated 03.10.2017 and the petitioner had submitted the joining report on 04.10.2017. Thereafter, the college submitted proposal to the Manonmaniam Sundaranar University to grant qualification approval to the appointed candidate and the same was considered by the University and the approval was granted. Thereafter, along with the qualification approval, the school submitted the proposal to the Education Department, on 11.07.2018 requesting to approve the appointment. The Director of Collegiate Education, vide order, dated 06.11.2019 granted the approval with the effect from 06.11.2019. The writ petitioner was aggrieved for granting approval from 06.11.2019, since her appointment by the college is from 04.10.2017. Hence, the writ petition was filed to grant approval from the date of appointment. The petitioners in the other writ petitions are also similarly placed persons.

4. The Writ Court has considered all the writ petitions and has directed the respondents to issue an order for approving the petitioners' appointment with effect from the date of their appointment with all attendant benefits in the light of the judgment rendered in ***P.Ravichandran Vs. State of Tamilnadu*** reported in ***2013(7) MLJ 641***, within a period of eight weeks from



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the date of receipt of copy of the order. Aggrieved over the same, the present writ appeals are filed by the respondents in the writ petitions.

5. The primary contention of the appellants is that the University had granted qualification approval only on 30.05.2018. Therefore, the approval cannot be granted from the date of appointment. The said contention cannot be entertained, since the college had submitted the proposal to the University on 06.11.2017 which is within a period of one month from the date of appointment. The University has taken more than 7 months for granting qualification approval. After obtaining the qualification approval, the college again submitted the proposal to the Education Department within a period of 2 months therefrom. Therefore, the contention of the appellant is incorrect. Even if it is considered as delay, the said delay is on the part of the University or the College and not on the part of the candidate.

6. The contention of the appellants is that the order of the appellants was passed in the year 2017 but the writ petitions were filed in the year 2024. Hence, the same are hit by delay and laches. The reasons stated by the writ petitioners is that due to COVID-19 pandemic, the writ petitioners could not

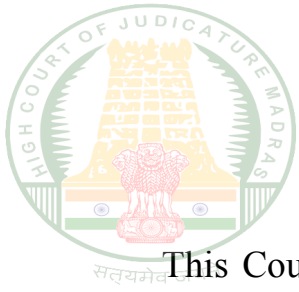


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file the petitions in time. But the contention of the appellants is that the COVID-19 pandemic restriction was lifted in the year 2022, but the petitioners had submitted representation only on 15.12.2023 after a lapse of 4 years. Further, the writ petitioners have not challenged the condition clause, but have made representations only. But the contention of the writ petitioners is that the petitioners were consistently approaching the college. When the college failed to grant the relief, left with no other action, the petitioners directly approached the Higher Education Department. After hearing the rival submissions, this Court is of the considered opinion that the delay is not deliberate. The writ petitioners were approaching the college for rectifying the order, thereafter approached the authorities, then had approached the Court. Therefore, the said contention of the appellants cannot be entertained.

7. In several judgments, this Court has held that any appointment approval would date back to the original date of appointment. Therefore, the writ petitioners are entitled to be approved from the date of appointment.

8. The next contention of the appellants is that the Writ Court has granted positive direction and prayed to set aside that portion of the orders.



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This Court is of the considered opinion when it is a settled principle that the candidate will be entitled to appointment approval from the date of appointment, then the Writ Court is right in granting positive direction. Therefore, this Court is not inclined to entertain the writ appeals. Hence, these writ appeals are dismissed.

9. For the reasons stated above, the writ appeals are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

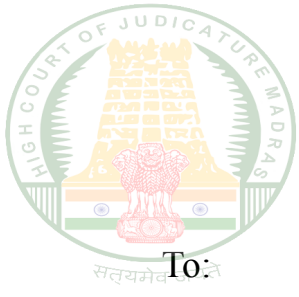
[J.N.B., J.]

[S.S.Y., J.]

24.02.2025

Index : Yes / No

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To:

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J.NISHA BANU, J.

and

S.SRIMATHY, J.

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J. NISHA BANU, J.
and
S.SRIMATHY, J.

(Order of the Court was made by the Hon'ble S.SRIMATHY, J.)

These matters are listed today under the caption “for being mentioned”, at the instance of the learned Additional Government Pleader appearing for the appellants.

2.Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the first respondent.

3.The learned Additional Government Pleader appearing for the appellants submitted that though this Court, by order dated 24.02.2025, dismissed the Writ Appeals, time limit has not been fixed to comply with the order passed in the Writ Petitions.

4.Considering the submission made by the learned Additional Government Pleader, paragraph No.8 of the order, dated 24.02.2025 in W.A(MD)Nos.158 to 161 of 2025, shall be read as follows:



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“8. The next contention of the appellants is that the Writ Court has granted positive direction and prayed to set aside that portion of the orders. This Court is of the considered opinion when it is a settled principle that the candidate will be entitled to appointment approval from the date of appointment, then the Writ Court is right in granting positive direction. Therefore, this Court is not inclined to entertain the writ appeals. Hence, these writ appeals are dismissed. The order passed in the Writ Petitions shall be complied with by the appellants/respondents 1 to 3, within a period of twelve weeks from the date of receipt of a copy of this order.”

4.Registry is directed to issue fresh order copy with the above said modification in the Writ Appeals.

(J.N.B.,J.) (S.S.Y.,J.)

18.03.2025

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