



W.P.(MD).No.27071 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **28.10.2025**

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.27071 of 2025

and

WMP(MD).Nos.21004 & 21008 of 2025

The Secretary,
St.Josephs College (Autonomous) Tiruchirappalli 625 002
Tiruchirappalli District.

...Petitioner

-Vs-

1. The State of Tamil nadu,
Rep 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
Tiruchirappalli Region
Tiruchirappalli
Tiruchirappalli District 620 020

...Respondents



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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 proceedings issued by the 2nd respondent Commissioner of Collegiate Education in Sa.Mu.Na.Ka.No.18377/F3/2024 dated 20.12.2024, quash the same as illegal and further direct the 2nd and 3rd respondents to approve forthwith the appointment of 7 Assistant Professors and 1 Librarian (Name List annexed) in the petitioners college and disburse the grant-in-aid towards their salary and allowances w.e.f. the respective dates of their appointment and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For petitioner	: M/s.K.Ragatheesh Kumar
For Respondents	: M/s.N.Satheesh Kumar
	Addl. Government Pleader

ORDER

This writ petition is filed challenging the impugned proceedings issued by the 2nd respondent Commissioner of Collegiate Education in Sa.Mu.Na.Ka.No.18377/F3/2024 dated 20.12.2024 and seeking consequential direction to the Respondent Nos.2 & 3 to approve forthwith the appointment of 7 Assistant Professors and 1 Librarian (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.



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2. This writ petition has been filed by the minority institution against the order of rejection of the approval for the appointment of 7 Assistant Professors and 1 Librarian. The reasons for rejection that has been assigned by the 2nd respondent are extracted hereunder :

"i) have not enclosed the details as to the total number of posts sanctioned in the year 1999-2000 as per the available workload.

ii) As regards the appointment of the 7 Assistant Professors and 1 Librarian in the College, the details as to the appointment of previous incumbents and their approval from the Director of Collegiate Education were not enclosed.

iii) As stated, in Rule 11(1) of the TamilNadu Private Colleges Regulation Act, 1976 these posts were not filled after obtaining the financial sanction.

iv) As stated in Rule 11(2) of the TamilNadu Private Colleges Regulation Act, 1976 Form 7 A obtained from the 7 Assistant Professors and 1 Librarian is not submitted.

v) As the particulars as to the marks obtained by the candidates took part in the interview was not enclosed, it couldn't be ascertained whether the appointments were made by considering the eligibility."



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3. The Division Bench of this Court in W.A.(MD).No.2318 of 2011 had held that the approving authority cannot compel the education institutions to get prior permission from the authorities to fill up a sanctioned post. For better appreciation, the relevant portion is extracted hereunder.

“20. In the light of the above findings as well as the decisions, we conclude this Judgment in the following manner:

(1) There is no requirement under the Tamil Nadu Private Colleges (Regulation) Act, 1976 and Tamil Nadu Private Colleges (Regulation) Rules, 1976, to seek prior permission to fill up any vacant post in an aided college, which has already been sanctioned for the academic year by the Director of Collegiate Education under Rule 11(1) of the Rules.

(2) If the appointment made by the College Committee in the sanctioned vacant post is in violation of any of the statutory provision, it is open to the Regional Joint Director of Collegiate Education to deny grant-in-aid to the said person appointed in the vacant post.

(3) The teaching staff appointed must be fully qualified, whose qualification is approved by the University to which the college is affiliated. Insofar as the non-teaching staff are concerned, the candidate must possess the qualification prescribed by the Government.



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(4) The College Committee while filling up the vacant post, should follow the procedures stated in Rule 11(1A) to 11(4)(ii).

(5) If there is no rival candidate for any post, the appointment is bound to be approved for the purpose of payment of pay and allowances, by the Regional Joint Director of Collegiate Education.”

4. It is to be further noted that it is not the case of the respondent that there are surplus teachers in the petitioner institution and also the petitioner institution has been sanctioned with various posts as early as in the year 1999-2000. This court in W.P.(MD).No.8053 of 2025, following the earlier decisions of this Court had held that submitting a Form VII A is not applicable to minority institution. When a post has been sanctioned, it is axiomatic that the grant-in-aid had been sanctioned to the said post. Therefore, there is no question of getting financial concurrence for filling up of the post which fell vacant for one reason or the other. With regard to the reasons that, details of persons who had participated in the selection process were not produced, it is to be noted that time and again it has been held by the Hon'ble Apex Court and this Court that the minority institutions have freedom to have their own selection process. It is not the case of the respondents that there has been some complaint received against the



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minority institution in the matter of selection nor any of the unsuccessful candidates in the selection process had approached this Court. This would indicate that the selection process had been made transparently.

5. For the aforesaid reasons, the impugned order in the present writ petition is set aside and the writ petition stands allowed. There shall be a direction to the respondents to approve the appointments made by the petitioner institution from the date of the appointment of 7 Assistant Professors and 1 Librarian. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

28.10.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To

1. The 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,
Tiruchirappalli Region,
Tiruchirappalli,
Tiruchirappalli District 620 020.



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K.KUMARESH BABU.J.
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