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WP No. 2880 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 2880 of 2026

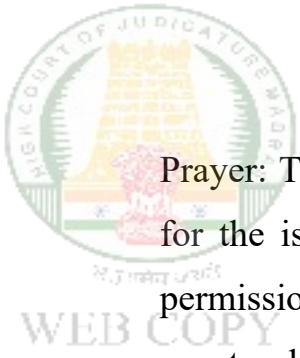
Saiva Bhanu Kshatriya College
Rep. by its Secretary
Mr.T.Asaithambhi
S/o. Mr.M.Thangaiah
No.6 Thengai Annamalai Street
Aruppukottai 626101.

..Petitioner(s)

Vs

1. The Government of Tamilnadu
Represented by the Principal Secretary
Higher Education Department
Fort St. George
Chennai 600009.
2. The Commissioner of Collegiate Education
I.A.S.E. Campus
577 Anna Salai, Saidapet
Chennai 600015.
3. The Regional Joint Director Collegiate Education
Madurai Region
Madurai.

..Respondent(s)



Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to accord permission to the petitioner college to fill up the sanctioned posts of 9 Group D non teaching staffs viz., Sweeper -4, Gardener -1, Watchman-2, Scavenger -1, Waterman-1 in the sanctioned vacancies in the light of the orders of this Honble Court made in W.A.(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed the Honble Apex Court in SLP.No. 323 of 2019 dated 18.01.2019 and in W.A.No. 3429 of 2025 dated 17.11.2025 and to approve the said appointments.

For Petitioner(s): Mr. E. Martin Jaya Kumar

For Respondent(s): Mr. M. R. Gokul Krishnan
Additional Government Pleader for R1 to R3

ORDER

This writ petition has been filed seeking a direction to the respondents to accord permission to the petitioner college to fill up the sanctioned posts of 9 Group D non teaching staffs viz., Sweeper -4, Gardener -1, Watchman-2, Scavenger -1, Waterman-1 in the sanctioned vacancies in the light of the orders of this Hon'ble Court made in W.A.(MD).No.931 of 2018 dated 12.07.2018 which has been confirmed the Honble Apex Court in SLP.No. 323 of 2019 dated 18.01.2019 and in W.A.No. 3429 of 2025 dated 17.11.2025 and to approve the said appointments.

2. The case of the petitioner is that the petitioner College is an aided educational institution, established in the year 1970 and administered by



Aruppukottai Nadargal Uravinmuraki Pothu Abiviruthi Trust. The respondents sanctioned 27 non-teaching posts including Group-D posts, under the aided scheme. Out of the sanctioned strength, 9 Group-D non-teaching posts (Sweeper-4, Gardener-1, Watchman-2, Scavenger-1, Waterman-1) fell vacant due to retirement and promotion. From 17.06.2009 onwards, the petitioner submitted repeated proposals/representations seeking permission to fill up the said vacancies. While approval was granted for teaching and certain non-teaching posts, permission to fill up Group-D posts was withheld. G.O.Ms No.219, Higher Education Department, dated 24.10.2013, mandating outsourcing of Group-D posts, was quashed by this Court in W.P Nos.6679 & 6680 of 2016, which was confirmed by the Division Bench in W.A Nos.2096 and 2124 of 2019 and further affirmed by the Hon'ble Supreme Court. The consistent judicial view is that sanctioned posts cannot be filled through outsourcing and the Government has no authority to interfere with sanctioned strength.

2.1. Despite the above settled legal position, the respondents continued to reject the petitioner's proposals by relying on subsequent administrative orders and G.O.Ms.No.49 dated 14.05.2002 which have repeatedly been held inapplicable to aided private colleges. Similar rejections were set aside in several writ petitions and writ appeals, including W.P No.29647 of 2023, W.A.No.574 of 2025 and W.A No.1273 of 2025, with costs imposed on the



Government for re-agitating settled issues. Though G.O Ms.No.66 dated 03.04.2025, amended Rule 11(3) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, mandating outsourcing for Group-D posts, this Court in W.A No.3429 of 2025 held that the amendment has no retrospective effect. As the vacancies in the petitioner College arose in 2009, the amended rule is inapplicable. The continued refusal to grant permission, to fill up the sanctioned Group-D posts, despite repeated representations and binding judicial precedents, is arbitrary, illegal, discriminatory and violative of Articles 14 and 21 of Constitution of India, causing serious hardship to the students and administration of the College. Hence, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner College would submit that it would suffice, if a direction is issued to the respondents to consider the petitioner's proposals dated 17.06.2009, 19.12.2011, 11.03.2025 and 23.05.2025 , within a reasonable time to be fixed by this Court.

4.Considering the limited request made by the learned counsel for the petitioner and without expressing any opinion on the merits of the case, this Court, directs the respondents to consider the petitioner's proposals dated 17.06.2009, 19.12.2011, 11.03.2025 and 23.05.2025 and to pass appropriate



orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

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5. With the above directions, this writ petition stands disposed of. No costs.

29-01-2026

Uma

To

1. The Principal Secretary
Higher Education Department
Fort St. George
Chennai 600009.
2. The Commissioner Of Collegiate Education
I.A.S.E. Campus
577 Anna Salai, Saidapet
Chennai 600015.
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