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W.P.No.9432 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 9432 of 2024

T.R.Indra

...petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai- 600 009

2.The Director of Collegiate Education,
Institute of Advance Study in Education Campus,
No.577, Anna Salai, Saidapet,
Chennai - 600 015

3.The Joint Director of Collegiate Education,
Dharmapuri Region,
Dharmapuri - 636 705

4.The Secretary,
Sri Sarada College for Women (Autonomous),

1/16



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Fairlands,
Salem - 636 016

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5.The Registrar,
University of Madras,
Chennai - 600 005

6.The Accountant General (A&E) Tamil Nadu,
361, Anna Salai,
Teynampet,
Chennai - 600 018

...respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.42559/FI/2018 dated 10.10.2023 and to quash the same and consequently directing the respondents to pass orders granting approval of appointment by promotion of petitioner to the post of Physical Education Director / Physical Directress from the post of Physical Education Instructor with effect from 01.06.1996 being the actual / initial date of promotion as claimed by the petitioner based on the approval granted by the University of Madras on 12.02.1997, with all consequential benefits including payment of arrears of salary and retirement benefits including pension, revision of pension, within a time frame fixed by this Court.



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For petitioner : Mr. G.Sankaran
Senior Counsel

For Mr. S.Nedunchezhiyan

For respondents : Mr. M.R.Gokul Krishnan
1 to 3 Additional Government Pleader

For respondent 6 : Mr. P.Mano Rajan
Standing Counsel

ORDER

This writ petition is filed for the following relief:

“To call for the records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.42559/Fl/2018 dated 10.10.2023 and to quash the same and consequently directing the respondents to pass orders granting approval of appointment by promotion of petitioner to the post of Physical Education Director / Physical Directress from the post of Physical Education Instructor with effect from 01.06.1996 being the actual / initial date of promotion as claimed by the petitioner based on the approval granted by the University of Madras on 12.02.1997, with all consequential benefits including payment of arrears of salary and retirement



benefits including pension, revision of pension, within a time frame fixed by this Court.”

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2. It is the case of the petitioner that she was initially appointed as a Physical Training Instructor in Sri Sarada College for Women, Salem, the 4th respondent on 03.12.1990. Thereafter, she was promoted as a Physical Education Director in an approved vacant post with effect from 01.06.1996, on account of the retirement of the previous Physical Education Director on 31.05.1996. The petitioner would submit that she retired from service on reaching the age of superannuation on 31.05.2020.

3. The 4th respondent college is a private aided college governed by the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976 and the rules framed thereunder. Section 14 of the Act empowers the college committee to appoint teachers and other persons of the college.



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4. It is the case of the petitioner that the 4th respondent submitted necessary proposal vide letter dated 04.12.1996, seeking approval of the petitioner's eligibility for appointment by promotion with effect from 01.06.1996 to the affiliating university, namely, the 5th respondent, who was the authority to grant approval as per Rule 11. The application was accompanied by the petitioner's qualifications both degree as well as the post graduate degree along with the earlier communication dated 08.06.1983 of the University of Madras, prescribing qualification for appointment of Director of Physical Education / Assistant Professor of Physical Education.

5. The 5th respondent vide his letter dated 12.02.1997, informed the 4th respondent herein stating that in the meeting of the university's syndicate held on 24.01.1997, it had considered that the petitioner's promotion with B.A., M.P.Ed., as Physical Education Directress from Physical Training Instructress in the college with effect from 01.06.1996 and resolved that the promotion as a Physical Directress in the college be approved with effect from 01.06.1996. Consequently,



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the petitioner's promotion as a Physical Directress came into effect on 01.06.1996.

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6. The petitioner would submit that at the time of her promotion as Physical Education Directress with effect from date of initial appointment i.e., 01.06.1996, the requisite educational qualification was a master's degree in physical education with a minimum 50% marks. The petitioner possessed B.A., History, B.P.Ed., in first class degree certificate dated 09.02.1985 in University of Madras and M.P.Ed., in first class, from Annamalai University and was fully eligible for promotion based on the date of promotion.

7. Since a decision was taken to appoint the petitioner by promotion a proposal was sent to the Joint Director Collegiate Education, Coimbatore by the 4th respondent vide his letter dated 20.06.1996, stating that Hasina Begum, who served as a Physical Education Director had retired by superannuation on 31.05.1996 and as the petitioner was fully qualified for promotion she had been promoted and appointed as a Physical Education Director in the college.



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8. The 3rd respondent inturn submitted a letter addressed to the 2nd respondent requesting permission sought by the 4th respondent. The Joint Director has gone to state that that the College Secretary had submitted two proposals one seeking prior permission to fill up vacancy of Physical Education Director and another one to fill up the arising vacancy of Physical Education Instructor in the event of the petitioner being promoted.

9. The petitioner would submit that prior permission was not required as she had been appointed with effect from 01.06.1996 and the issue regarding the permission for filling up vacant post in the aided college had been rendered in several Judgements.

10. The petitioner would further submit that the Joint Director of Collegiate Education, Coimbatore issued a proceeding dated 17.04.2007, approving the petitioner's appointment with effect from 14.06.2006 and promoting her in the place of the vacancy occurred by the retirement of Hazina Begum. Since the post was approved only



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from 14.06.2006 and not from 01.06.1996, the petitioner made several representations to the respondents and ultimately by the impugned order her request was rejected.

11. The petitioner would submit that the petitioner's promotion was be approved since she had not passed SLET / NET or Relaxation to Ph.D., / M.Phil holder from SLET / NET. The petitioner had qualified M.Phil., degree in May 2006. Since the same was not considered, the petitioner had filed WP.No.26265 of 2018. By order dated 18.08.2022, this Court directed respondents 3 and 4 therein to consider the representation dated 23.01.2018 on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of the order and serve the same to the petitioner.

12. Since orders were not passed, the petitioner has filed a contempt petition in Cont.P.No.2535 of 2023 and immediately the 2nd respondent has passed the impugned order. Challenging the same, the petitioner is before this Court.



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13. A counter affidavit has been filed by respondents 1 to 3 denying the claim of the petitioner and submitting that post graduate candidates have to pass SLET / NET examination for the post of Lecturer and that Ph.d., and M.Phil., holders would be exempted from passing SLET / NET. The sum and substance of the defence is that the petitioner has not passed SLET / NET. Therefore, she is not entitled to get promotion.

14. Heard the learned counsels on the either side and perused the records.

15. The petitioner's promotion as a Physical Education Director from Physical Training Instructor of the 4th respondent college had been forwarded to the University of Madras by order dated 04.12.1996. The petitioner's promotion as Physical Directress was approved with effect from 01.06.1996. This order has been passed by the University after a syndicate had passed a resolution. In the letter dated 12.02.1997, the Registrar had stated as follows:



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*“In the light of the above Resolution of the Syndicate,
I am to inform you that the promotion of Tmt.T.R.Indra
B.A., M.P.Ed., as Physical Directress of your college w.e.f.,
1.6.1996 has been approved.”*

At that point in time the concept of SLET / NET was not even in vogue.

16. The 2nd respondent had forwarded the letter to the Registrar, University of Madras seeking the following clarifications:

“To consider the merits and legality in the writ petition and representation filed by Tmt.T.R.Indra who has now already retired from service on attaining the age of superannuation and further reemployed upto end of the academic year 2018 – 2019, it is requested that the University of Madras may please clarify the essential minimum qualification required for the post of Physical Education Director as on the date of the individual’s promotion i.e., w.e.f., 01.06.1996 as per the UGC norms and guidelines. In this regard I am also to point out that as



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per rule 11 (1) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, the University concerned is the authority to fix the academic norms of workload and the required minimum qualification for appointment to the teaching post in colleges including the post of Librarian and Physical Education Director. The copies of the approval order given by your University dated 12th Feb 1997 and the High Court order dated 18.08.2022 are enclosed for your kind reference.

17. In the earlier writ petition WP.No.26265 of 2018, this Court had specifically directed the respondents 3 and 4 to consider the representation of the petitioner dated 23.01.2018 and to decide the same on merits. However, the respondents have not considered the fact that at the time of the petitioner's promotion i.e., on 01.06.1996, the concept of SLET / NET was not in vogue.



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18. At that point in time, it was only the University of Madras that had to ratify the appointment. The university has also communicated the fact that the syndicate passed the resolution approving the promotion of the petitioner. Therefore, with effect from 01.06.1996, the petitioner has been appointed as a Directress of Physical Education.

19. Considering the above facts particularly the fact that at the time of the petitioner's promotion SLET / NET was not required the impugned proceedings have to be quashed and is accordingly quashed. The respondents are directed to pass orders granting approval of appointment by promotion of the petitioner to the post of Physical Education Director / Physical Directress from the post of Physical Education Instructor with effect from 01.06.1996 being the actual / initial date of promotion as claimed by the petitioner based on the approval granted by the University of Madras on 12.02.1997, with all consequential benefits including payment of arrears of salary and retirement benefits including pension, revision of pension, within a



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period of 6 weeks from the date of receipt of a copy of this order.

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20. With the above observation and direction, this writ petition is allowed. No costs.

17.03.2026

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