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WMP.No.24546 of 2026 inWP No. 22630 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WMP No. 24546 of 2026

in W.P. No.22630 of 2026

AND

WMP No. 24543 of 2026

The Secretary
Pachaiyappas College,
Pachaiyappas Trust Board
Chennai 600 030

..Petitioner

Vs

1. The State of Tamil nadu
Rep by its Principal Secretary
Department of Higher Education
Fort St. George, Chennai - 600 009.
2. The Commissioner of Collegiate Education
Saidapet, Chennai - 600 015.
3. The Joint Director of Collegiate Education
Chennai Region,
Nandanam, Chennai - 600 015.
4. The Joint Director of Collegiate Education
Vellore Region,
43, 1st West Cross Street, Gandhi Nagar,
Vellore - 632 006.
5. K. Sekar
No 19 AP 215,
12th East Cross Street
M.K.B. Nagar
Chennai - 600 039.

..Respondents



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For Petitioner:

Mr.Godson Swaminathan
of M/s.Isaac Chambers

For Respondents:

Mr.K.Sathish
Government Advocate for R1 to R4

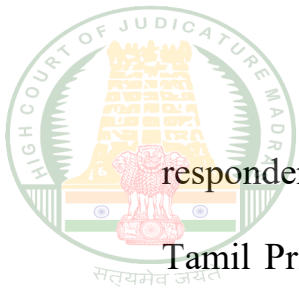
Mr.G.Murugendran for R5

ORDER

Challenging the impugned order of the 2nd respondent dated 24.04.2026 and also for a consequential direction to grant approval to the petitioner-College to impose punishment on the 5th respondent, the present writ petitioner is filed.

2. Heard Mr.Godson Swaminathan of M/s.Isaac Chambers for the petitioner and Mr.G.Murugendran, learned counsel for the 5th respondent. Mr.K.Sathish, learned Government Advocate takes notice for respondent 1 to 4.

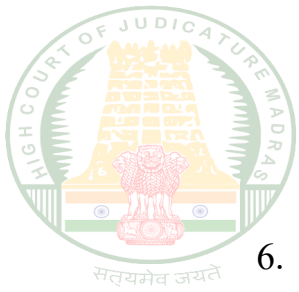
3. The petitioner-College had appointed the 5th respondent on 23.12.1989 and he was working as Superintendent. He had been suspended on 12.06.2024, by the College Committee on the ground that he had misappropriated the College funds. The charge memo dated 21.08.2024 was issued to the 5th respondent. However, the 5th respondent was permitted to rejoin the service without prejudice to the disciplinary proceedings. Thereafter, the College Committee vide its Resolution dated 01.08.2025, had dismissed the 5th respondent from service. This dismissal order was challenged by the 5th



respondent in an appeal before the 2nd respondent under Section 20 of the Tamil Private Colleges (Regulation) Act, 1976 [hereinafter referred to as "the Act"]. The 2nd respondent had allowed the appeal by order dated 04.02.2026 and set aside the dismissal order, holding that no prior permission was obtained by the petitioner-College from the competent authority viz., the 4th respondent herein.

4. Immediately, the College Committee in the meeting held on 03.03.2026, withdrew the earlier dismissal order dated 01.08.2025, and resolved to alter the decision taken by them. Thereafter, the petitioner-College had approached the second respondent vide its letter dated 12.03.2026, seeking approval to impose punishment on the 5th respondent, which has been rejected by the impugned order dated 24.04.2026. Aggrieved by the same, the petitioner-College is before this Court.

5. Despite the order of the 2nd respondent dated 04.02.2026, the petitioner had not reinstated the 5th respondent back into service. Further, after the order dismissing the 5th respondent has been set aside, the very same resolution with alterations has now been submitted by the petitioner-College for approval before the 2nd respondent, and the same was rejected through the impugned order.



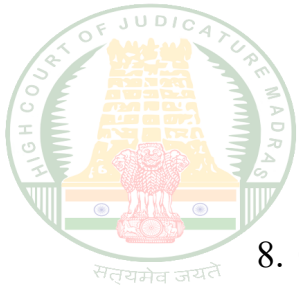
6. The position of law is very clear that the order of punishment comes into effect only after necessary approval. This is in terms of Section 19(1) and 19(2) of the Tamil Private Colleges (Regulation) Act, 1976, which stipulates as follows :

“19. Dismissal, removal or reduction in rank or suspension of teachers or other persons employed in private colleges :

(1) Subject to any rule that may be made in this behalf, no teacher or other person employed in any private college shall be dismissed, removed or reduced in rank nor shall his appointment be otherwise terminated except with the prior approval of the competent authority.

(2) Where the proposal to dismiss, remove or reduce in rank or otherwise terminate the appointment of any teacher or other person employed in any private college is communicated to the competent authority, that authority shall, if it is satisfied that there are adequate and reasonable grounds for such proposal, approve such dismissal, removal, reduction in rank or termination of appointment.”

7. The 5th respondent who had entered appearance through counsel, had submitted that the petitioner’ letter dated 12.03.2026 seeking approval of the 2nd respondent to impose punishment of dismissal on the 5th respondent, was only a revival of the earlier dismissal order dated 01.08.2025 issued by them. Therefore, the arguments advanced by the counsel for the 5th respondent appears to be *prima facie* correct.

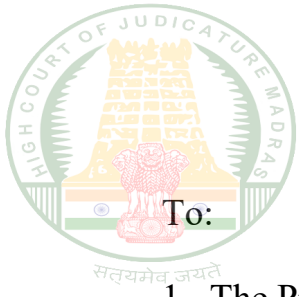


8. Considering the above, this Court is not inclined to grant stay of the impugned order passed by the 2nd respondent dated 24.04.2026, and the stay petition is accordingly dismissed. The reinstatement of 5th respondent is subject to the outcome of the writ petition.

9. For counter of the 5th respondent, post the writ petition on 10.07.2026.

DS

18-06-2026



To:

1. The Principal Secretary
State of Tamil Nadu
Department of Higher Education
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