



WEB COPY

WP No. 22881 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 19-06-2026**

CORAM

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

**WP No. 22881 of 2026**

R.Obath Rejee

..Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep by Secretary  
Department of Higher Education,  
Fort St. George,  
Chennai.
2. The Director of Collegiate Education,  
No 577 Anna Salai,  
Saidapet, Chennai 600 015.
3. The Joint Director of Collegiate Education,  
Thirunelveli Region,  
Thirunelveli 627 007.
4. The Correspondent / Secretary,  
Nesamony Memorial Christian College,  
Marthandam 629 165,  
Kanyakumari District.

..Respondent(s)

**PRAYER:** The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of a Mandamus, directing the 2nd and 3rd Respondents herein to approve petitioner appointment as Sweeper in the 4th respondent college, in the sanctioned Vacancy caused due to promotion of Mr. Anbudhas J. Ronald with effect from 14.08.2009 with all attended, monetary and service benefit.



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For Petitioner(s):

Mr.A.Rajesh

For Respondent(s):

Mr.L.Gokulraj,  
Government Advocate

### **ORDER**

The present Writ Petition has been filed seeking the issuance of a Writ of a Mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents herein to approve petitioner appointment as Sweeper in the 4<sup>th</sup> respondent college, in the sanctioned Vacancy caused due to promotion of Mr. Anbudhas J. Ronald with effect from 14.08.2009 with all attendant, monetary and service benefit.

2. The case of the petitioner is that he was appointed as Sweeper in the 4<sup>th</sup> respondent college on 14.08.2009 in a sanctioned vacancy that arose due to the promotion of one Anbudhas J. Ronald. The appointment was made in accordance with the provisions of the Tamil Nadu Private Colleges (Regulations) Act and Rules and the petitioner possesses the requisite qualifications for the post. The 4<sup>th</sup> respondent forwarded a proposal seeking approval of the petitioner's appointment to the competent authorities. Despite repeated representations and reminders submitted by the petitioner and the 4<sup>th</sup> respondent College, the respondents failed to consider and approve the petitioner's appointment. Though approval was granted to several similarly placed employees appointed in the sanctioned vacancies, the petitioner's case was left unattended without any valid reason. The appointments made in



sanctioned vacancies in aided institutions do not require prior permission from the authorities, as settled by various decisions of this Court and affirmed by the

Hon'ble Supreme Court. Since the petitioner was appointed in a regular sanctioned vacancy and is similarly situated to those whose appointments have already been approved, he is entitled to the same benefit. Aggrieved by the inaction of the respondents in approving his appointment and granting consequential monetary and service benefits from the date of appointment, the petitioner approached this Court seeking a direction to the respondents to approve his appointment as Sweeper with effect from 14.08.2009 with all benefits.

3. Heard the learned counsel on both sides and perused the materials available on record.

4. It is not in dispute that the petitioner was appointed as Sweeper in a sanctioned vacancy arising out of the promotion of a regular incumbent. The records further reveals that proposals seeking approval of the petitioner's appointment were forwarded by the 4<sup>th</sup> respondent and that similarly placed employees in the very same institution have been granted approval by the competent authorities.



5. In such circumstances, the petitioner's claim requires consideration on the same footing as that of the other employees whose appointments have already been approved vide order dated 13.03.2020 in Na.Ka.No.17509/F2/2017. Without expressing any opinion on the merits of the claim, this Court is of the view that the respondents are bound to consider the petitioner's request in the light of the orders passed in respect of similarly situated persons in Na.Ka.No.17509/F2/2017 dated 13.03.2020.

6. Accordingly, the respondents 2 and 3 are directed to consider the proposal for approval of the petitioner's appointment as Sweeper in the 4<sup>th</sup> respondent College, in the light of the orders already passed in favour of similarly situated employees in the very same institution in Na.Ka.No.17509/F2/2017 dated 13.03.2020 and 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.

7. In the result, this Writ Petition is disposed of with the above direction. There shall be no order as to costs.

**19-06-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
VKR



To

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**P.T.ASHA, J.**

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