



W.P.No.5468 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 5468 of 2025
&
W.M.P.Nos. 6024 & 6025 of 2025

A. Zubair Ahmed

...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 Director of Collegiate Education
College Road, Chennai - 600 015.

3.The Joint Director of Collegiate Education
Chennai Region, Saidapet
Chennai- 600 015



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4.The Secretary

New College (Autonomous)

No. 147, Peters Road, Royapettah

Chennai - 600 014

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent Director of Collegiate Education in O.Mu.No.20325/G1/2022 dated 23.01.2023 and 3rd respondent Joint Director of Collegiate Education in Na.Ka.No.1997/U1/2022 dated 28.08.2024, quash the same and further direct the 2nd and 3rd respondents to permit the petitioner to continue in service as Laboratory Assistant in the 4th respondent college with salary and all the other consequent benefits.

For petitioner : Mr. I.Chandrakumar

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



ORDER

This writ petition is filed for the following relief:

“To calling for the records relating to the impugned order of the 2nd respondent Director of Collegiate Education in O.Mu.No.20325/G1/2022 dated 23.01.2023 and 3rd respondent Joint Director of Collegiate Education in Na.Ka.No.1997/UI/2022 dated 28.08.2024, quash the same and further direct the 2nd and 3rd respondents to permit the petitioner to continue in service as Laboratory Assistant in the 4th respondent college with salary and all the other consequent benefits.”

2. The case of the petitioner is that he was appointed as a Lab Assistant in the 4th respondent College on 06.02.2021. The petitioner's appointment was approved by the 3rd respondent with terms and conditions on 26.02.2016. It is submitted that the petitioner had cleared the Tamil language test conducted by the University of Madras in December 2021.



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3. The petitioner would submit that as per G.O.Ms.No.260 dated 21.12.2021, candidates who qualified in second language other than Tamil are directed to qualify Tamil language test conducted by the Tamil Nadu Public Service Commission. The petitioner would further submit that the 2nd respondent has issued a proceedings dated 23.01.2023 to the 3rd respondent to relieve the petitioner from the post of Laboratory Assistant as he has not completed the second language test conducted by the TNPSC. Challenging the same, the petitioner is before this Court.

4. A counter affidavit has been filed by the respondents stating that the petitioner was appointed as a Lab Assistant on a condition that he should pass the Tamil language test within a period of 2 years from the date of appointment. The respondents would submit that the Tamil course offered by the University of Madras is not equivalent to language test of the Tamil Nadu Public Service Commissioner. Therefore, they prayed that this writ petition may be dismissed.



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

6. The issue that engages the attention of this Court is whether the petitioner who has been appointed as a Lab Assistant and who has qualified the Tamil language test conducted by the University of Madras should be denied the approval of his appointment only on the ground that he has not passed the Tamil language test conducted by the Tamil Nadu Public Service Commission.

7. It is an admitted fact that the petitioner has secured good marks in the examination conducted by the University of Madras. However, he has not been able to qualify in the language test conducted by the TNPSC. The petitioner has been appointed as a Lab Assistant in the 4th respondent college which is a recognised religious minority educational institution.



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8. In the Judgement of the Division Bench of this Court reported in **2013 (7) MLJ 641 – P.Ravichandran Vs. State of Tamil Nadu**, the Division Bench was answering the issue as to whether prior permission was required for filling up the sanctioned vacant post in aided college. After discussing the facts and the provisions of the Tamil Nadu Private Colleges (Regulation) Act, 1976 and various other judgements of the Hon'ble Supreme Court the Division Bench had observed as follows:

“13.From the narration of above statutory provisions, it is evident that the Tamil Nadu Private Colleges (Regulation) Act, 1976 and the Rules framed thereunder are complete code insofar as establishment, administration, sanction of post, appointment, administration, sanction of post, appointment of staff, grant-in-aid, withholding of aid, code of conduct to staff, closure of the course or college, etc.

14.In the light of the above statutory provisions, the Director of Collegiate Education cannot insist Private Aided College managements to get prior permission to fill



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up the vacant posts available in sanctions posts, by issuing circulars / administrative instructions.”

9. The Division Bench after considering various judgements on the issue had ultimately held that there is no requirement to seek prior permission without filling up the 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.

10. The issue with reference to the passing of the TNPSC language test has been called in question in the Judgement of this Court in ***WP.No.20085 of 2025 dated 04.09.2025***. The learned Judge in the above case had observed as follows:

“In the considered opinion of this Court, when the petitioner has fulfilled the condition imposed by the fifth respondent University in its Provisional Approval of Qualification, i.e., passing of the Tamil Language Test from the fifth respondent University which is one of the institutions specified in the Provisional Approval of



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Qualification, not exempting the petitioner from passing the Tamil Language Test by placing reliance on G.O. (Ms).No.260, supra, can, by no stretch of imagination, be said to be justifiable.

11. The learned Judge had relied upon judgement of the Constitution Bench of the Hon'ble Supreme Court reported in **2025 (2) SCC 1 – Tej Prakash Pathak Vs. High Court of Rajasthan**. The learned Judge had also relied upon the various Judgements which have exempted minority institutions from passing of the Tamil language test conducted by the TNPSC. Therefore, in the light of the ratio laid down in the above Judgements, the impugned order cannot be sustained as the petitioner is working in the minority institution which is exempted from Tamil language test. Further, the institution is governed by rules framed by the Tamil Nadu Private Colleges (Regulation) Act, which indicates that prior permission to fill the vacant post cannot be insisted from the 4th respondent.



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12. In the result, this writ petition is allowed and the impugned order dated 23.01.2023 is quashed. Consequently, the connected miscellaneous petitions are closed. No costs.

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