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W.A.No.52 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.No.52 of 2026
and
C.M.P.No.609 of 2026**

Bhaktavatsalam Polytechnic College,
Represented by its Chairman,
Kancheepuram – 631 552.

... Appellant

-Vs-

1. K.Varaprasath
2. K.Aishwarya
3. The State of Tamil Nadu,
Represented by its
Principal Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai – 600 009.
4. The Commissioner,
Directorate of Technical Education,
Guindy,
Chennai – 600 025.
5. The P.T.Lee Chengalvaraya Naicker Trust,
Vepery,
Chennai – 600 007.

... Respondents



W.A.No.52 of 2026

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 27.10.2025 in W.P.No.40298 of 2025.

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For Appellant : Mr.Srinath Sridevan, Senior Counsel
for M/s.Aishwarya S.Nathan

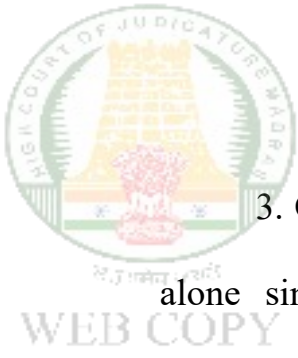
For Respondents : Mr.V.R.Kamalanathan
for Mr.C.Munisamy for R1 & R2
Mr.A.Selvendran
Special Government Pleader for R3 & R4

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-Court appeal has been directed against the order dated 27.10.2025 made in W.P.No.40298 of 2025.

2. The respondents 1 & 2 were the writ petitioners and they were working as Lecturer (Chemistry) and Lecturer (Mechanical Engineering) respectively at the appellant Polytechnic College. They wanted to migrate from the appellant College to the fifth respondent College, hence they sought for such permission or NOC from the appellant College which orally seems to have been refused, whereas the fifth respondent College based on the vacancy available in the fifth respondent College have given consent / NOC to take them into the fold of the fifth respondent College as Lecturer for Chemistry as well as Mechanical Engineering respectively.



W.A.No.52 of 2026

3. On the strength of the consent or NOC given by the transferee College alone since they sought for such approval of transfer from the official respondent, i.e., second respondent therein, it seems that, the second respondent therein has not acted upon and they kept the plea raised by the writ petitioners pending. Only at that juncture, respondents 1 & 2 filed the said writ petition seeking a writ of mandamus directing the second respondent in the writ petition who is the fourth respondent herein, i.e., Commissioner of Directorate of Technical Education to give such approval for migration of the two teachers from the appellant College to fifth respondent College.

4. The said mandamus was ordered and the writ petition was allowed by the writ Court through the impugned order.

5. The main reason stated by the writ Court in the impugned order for allowing the writ petition is that, in view of the import of G.O.(Ms)No.344, Education, Science and Technology Department dated 26.03.1984, the Directorate of College Education ought to have approved the migration of the services of the writ petitioners from one Institution to another Institution without seeking NOC from the transferor College. That is the reason why and because of the said ground, the learned Judge allowed the said writ petition.



W.A.No.52 of 2026

6. Aggrieved over the said order, the present intra-Court appeal has been directed. In support of the writ appeal, Mr.Srinath Sridevan, learned Senior Counsel appearing for the appellant would contend that G.O.(Ms)No.344 dated 26.03.1984 would never say that, without even the consent from transferor College, such a migration could be effected and the same can be approved by the Directorate of Collegiate Education or the Commissioner of Directorate of Technical Education as the case may be.

7. We have gone through the import of G.O.(Ms)No.344, Education, Science and Technology Department dated 26.03.1984 where clause 2(B) makes it very clear that, if the consent is given both by the transferor college and transferee College and any request has come with such consent from both the Colleges for approval of such migration to the Directorate of Collegiate Education or Commissioner of Directorate of Technical Education, the same shall not be rejected and the approval must be given, is a mandate issued by the Government through the said G.O.(Ms)No.344 dated 26.03.1984.

8. Therefore, it cannot be interpreted as has been made by the writ Court through the impugned order, especially, at Paragraph No.3 as if that the migration can be approved by the Directorate without even getting any consent or NOC from the transferor college.



W.A.No.52 of 2026

9. Be that as it may, now pursuant to the order passed by the writ Court, the Commissioner, Directorate of Technical Education, i.e., fourth respondent herein has passed an order on 16.12.2025 approving the migration of the two teachers, i.e., respondents 1 & 2 / writ petitioners from the appellant College to the fifth respondent College.

10. We have heard Mr.Srinath Sridevan, learned Senior Counsel appearing for the appellant, Mr.V.R.Kamalanathan, learned counsel appearing for the respondents 1 & 2 and Mr.A.Selvendran, learned Special Government Pleader appearing for the respondents 3 & 4.

11. Since the fifth respondent College has already given the consent and no adverse order is going to be passed against the fifth respondent, notice to the fifth respondent is hereby dispensed with.

12. In view of the clear provision that is available in G.O.(Ms)No.344 which does not mandate that approval can be given even without getting NOC from transferor college, such approval cannot be sought for without NOC granted by the transferor College. Therefore, the view taken by the learned Judge in paragraph No.3 of the impugned order which is the basis for allowing the writ petition, might be an erroneous one.



W.A.No.52 of 2026

13. Be that as it may, in order to resolve this issue where the teachers want to migrate from appellant College to fifth respondent College, there are vacancies in the fifth respondent College and the fifth respondent College already passed a resolution expressing their consent to take them in their fold and insofar as the stand of the appellant College is concerned, they have made it very clear that, if these two teachers are permitted to be migrated during the middle of the academic year, the very teaching of the students will get greatly affected.

14. In that view of the matter, we deem it appropriate to permit the two teachers to be retained by the appellant College till the end of the academic year, i.e., 31.05.2026, but at the same time, during this period, the fourth respondent, i.e., Commissioner of Directorate of Technical Education shall give a written permission to the appellant College to fill up the two vacancies to be caused by the two teachers on their migration on 31.05.2026 to join in the fifth respondent College on the starting of the next academic year, i.e., 01.06.2026.

15. In that view of the matter, the following orders are passed in this appeal:

(i) that the two teachers, i.e., respondents 1 & 2 shall be retained at the appellant College upto 31.05.2026.



W.A.No.52 of 2026

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(ii) The teachers shall be relieved in the afternoon of 31.05.2026 enabling them to join at the fifth respondent College on 01.06.2026 forenoon. The fifth respondent College shall take them into their role as teaching faculties with effect from 01.06.2026 forenoon.

(iii) The appellant College forthwith shall send a request along with copy of this order to the fourth respondent seeking permission to start the selection process.

(iv) The fourth respondent is hereby directed to send a written permission / proceedings forthwith, at the most within a period of two weeks from the date of receipt of a copy of this judgment and the request from the appellant College, communicating to the appellant College to make selection process to select two Lectures one for Chemical Department and another for Mechanical Engineering Department which vacancies to be caused by the transfer of these two teachers by 31.05.2026.

(v) On the basis of such selection to be made by the appellant College, they shall select two eligible Lectures and keep them in waiting for giving appointment with effect from 01.06.2026 and on getting such appointment, the teachers to be selected can join at the appellant College with effect from 01.06.2026 in the vacancies to be caused by the respondents 1 & 2 by 31.05.2026.

(vi) Once such selection is made and the selection list is forwarded by the appellant College to the fourth respondent, the fourth respondent shall give approval for such selection and appointment.



W.A.No.52 of 2026

WEB COPY

(vii) Till 31.05.2026, the order passed by the fourth respondent dated 16.12.2025 shall be kept in abeyance.

16. With all these directions, this Writ Appeal is ordered accordingly by modifying the order of writ Court. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (S.S.A., J.)
09.01.2026

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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Note: Issue order copy today itself (i.e., on 09.01.2026.)



W.A.No.52 of 2026

To
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1. The Principal Secretary to Government,
The State of Tamil Nadu,
Higher Education Department,
Fort St.George,
Chennai – 600 009.
2. The Commissioner,
Directorate of Technical Education,
Guindy,
Chennai – 600 025.
3. The P.T.Lee Chengalvaraya Naicker Trust,
Vepery,
Chennai – 600 007.
4. The Chairman,
Bhaktavatsalam Polytechnic College,
Kancheepuram – 631 552.



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