



W.P.(MD) No.6223 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6223 of 2026

Sathiyaraj Sevugarethinam

... Petitioner

-VS-

- 1.The Government of Tamil Nadu
rep.by its Principal Secretary
Higher Education Department
Fort St.George, Chennai-600 009
- 2.The Director of Collegiate Education
I.A.S.E.Campus
577, Anna Salai, Saidapet
Chennai-600 015
- 3.The Joint Director
Collegiate Education
Tiruchirappalli Region
Tiruchirappalli-620 021
- 4.Ganesar College of Arts & Science
rep.by its Principal – Dr.V.A.Palaniappan
Melasivapuri, Pudukkottai
Tamilnadu-622 403

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the second respondent herein pertaining to the impugned order dated 30.10.2025 bearing File No.7459-2025-F3, passed by the Commissioner of Collegiate Education and the impugned order dated 06.02.2026 bearing reference No. 4296/Aa4/2023, passed by the third respondent herein rejecting the representation of the petitioner dated 25.11.2025 and quash the same by consequently directing the second respondent to approve the appointment of the petitioner with the fourth respondent with effect from his date of joining i.e., 07.06.2023 and consequently release the outstanding salary payable to the petitioner calculated from the date of joining i.e., 07.06.2023 till February 2026 amounting to Rs.7,34,466/- (Rupees seven lakh thirty-four thousand four hundred and sixty-six only).

[Prayer amended vide Court Order dated 12.03.2026 in W.M.P.(MD) No.5748 of 2026.]

For Petitioner : Mrs.Lakshmi Gopinath
for M/s.Polax Legal Solutions

For Respondents : Mr.M.Dinesh Hari Sudarsan
Counsel for the Government for R1 to R3
Mr.M.Iniyavan for R4



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ORDER

This writ petition has been filed challenging the proceedings bearing File No.7459-2025-F3, dated 30.10.2025, issued by the second respondent and the proceedings bearing Reference No.4296/Aa4/2023, dated 06.02.2026, issued by the third respondent, whereby the request made by the fourth respondent – College to approve the appointment of the petitioner in the post of Sanitary Worker was negatived and also seeking a consequential direction to the second respondent to approve the appointment of the petitioner as Sanitary Worker in the fourth respondent – College.

2. The brief facts that are relevant for disposal of this writ petition are as under:

2.1. Consequent upon the vacancy that arose in the post of Sanitary Worker in the fourth respondent – College, the fourth respondent approached the Regional Joint Director of Collegiate Education, Tiruchirappalli Region, seeking permission to fill up the said post. Accordingly, the fourth respondent – College was granted permission through proceedings bearing Na.Ka.No.



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WEB COPY 2759/E1/2022, dated 07.05.2022. Pursuant to the said permission granted by the Regional Joint Director of Collegiate Education, the fourth respondent took steps to fill the said post along with certain other posts by issuing a Notification dated 14.05.2022. Pursuant to the said Notification, the fourth respondent selected and appointed the petitioner as Sanitary Worker by an order dated 05.06.2023. Accordingly, the petitioner joined in the said post on 07.06.2023.

2.2. It was thereafter, the fourth respondent submitted a proposal to the third respondent for approval of the appointment of the petitioner in the post of Sanitary Worker. The said request of the fourth respondent dated 30.06.2023 was returned by the third respondent through proceedings dated 20.04.2024 by placing reliance on G.O.(Ms) No.49, Personnel and Administrative Reforms (F) Department, dated 14.05.2002 and the letter of the second respondent dated 05.06.2023, wherein it was directed that all the Group-D posts should be filled up through outsourcing.



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2.3. However, the fourth respondent re-submitted the said proposal through letters dated 13.06.2024 and 11.03.2025 on the ground that the fourth respondent has already obtained permission for filling up of the said post as early as on 14.05.2022 and therefore, subsequent orders issued directing to fill up the Group-D posts only through outsourcing have no application to the appointment of the petitioner herein. The said proposal was once again forwarded to the second respondent by the Regional Joint Director of Collegiate Education through proceedings dated 21.08.2025. The second respondent herein, through its letter dated 30.10.2025, opined that Sub Rule 3(ii) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 was amended through G.O.(Ms).No.66, Higher Education Department (D2), dated 03.04.2025 and therefore, Group-D posts must be filled up only through outsourcing and therefore, the appointment of the petitioner herein cannot be approved.

2.4. However, the petitioner herein once again approached the second respondent seeking approval of his



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appointment in the fourth respondent – College in the post of Sanitary Worker and also approached this Court by filing a writ petition in W.P.(MD) No.997 of 2026 seeking consideration of his request. Accordingly, on considering the request of the petitioner, the third respondent / Regional Joint Director issued proceedings dated 06.02.2026 in Ref.No.4296/Aa4/2023, rejecting the request of the fourth respondent for approval for the appointment of the petitioner. It is aggrieved by the proceedings of the second respondent dated 30.10.2025 and the proceedings of the third respondent dated 06.02.2026, the petitioner has approached this Court by filing the present writ petition.

3. The second respondent has filed a counter-affidavit reiterating the reasons assigned in the impugned proceedings and also contending that in terms of the Government Orders *vide* G.O.Ms.No.219, Higher Education (K2) Department, dated 24.10.2013 and G.O.(Ms).No.66, Higher Education Department (D2), dated 03.04.2025, the post of Sanitary Worker in the fourth respondent – College is required to be filled up only by way of outsourcing and not by the regular appointment and therefore, the appointment of the petitioner cannot be approved.



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4. This Court has carefully considered the submissions on either side and perused the entire materials available on record.

5. It is not in dispute that the fourth respondent has sought permission for filling up the post of Sanitary Worker in their College and such permission was accorded by the second respondent through proceedings dated 14.05.2022. It is pursuant to the said proceedings only, the fourth respondent initiated the recruitment process and accordingly, selected and appointed the petitioner as Sanitary Worker by an order dated 05.06.2023. The objection that is raised in the impugned proceedings as well as in the counter-affidavit for not granting approval for the appointment of the petitioner is that by virtue of various orders issued by the Government from time to time, the Group-D posts existing in the Collegiate Education are required to be filled up only by way of outsourcing and not by way of regular appointment. In support of the said contention, the official respondents have relied upon G.O.(Ms) No.49, Personnel and Administrative Reforms (F) Department, dated 14.05.2002; G.O.Ms.No.219, Higher Education (D1) Department, dated 24.10.2013 and G.O.(Ms).No.66, Higher Education Department (D2), dated 03.04.2025. Besides the above said Government



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Orders, the official respondents have placed reliance on the letter of the second respondent dated 05.06.2023.

6. During the course of hearing, it is brought to the notice of this Court that the orders issued in G.O.Ms.No.219, Higher Education (D1) Department, dated 24.10.2013, were already quashed by this Court in W.P.Nos.6679 & 6680 of 2016 in the case of ***The Secretary, Nirmala College for Women vs. State of Tamil Nadu, rep.by its Secretary, Higher Education Department and others.*** It is also brought to the notice of this Court in W.A.(MD) No.2348 of 2024, *vide* Judgment dated 27.01.2025 [***The Government of Tamil Nadu and others vs. Ramawamy Tamil College***], this Court held that the Government Order G.O.(Ms) No.49, Personnel and Administrative Reforms (F) Department, dated 14.05.2002, was also struck down and this Court has held that the said Government Order has no application to the Private Educational Institutions both Colleges and Schools in the State of Tamil Nadu, which are governed by two different legislations. Once both the Government Orders relied upon by the official respondents are found to be not applicable to the case of the petitioner, the consequential letter of the second respondent dated 05.06.2023 is a letter issued in terms of the orders in G.O.(Ms) No.49, Personnel and Administrative Reforms (F)



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Department, dated 14.05.2002. As the said Government Order itself is held to have been not applicable to the Private Aided Colleges, the said letter of the second respondent is of no consequence.

7. Insofar as G.O.(Ms).No.66, Higher Education Department (D2), dated 03.04.2025 is concerned, the same was issued much after the appointment of the petitioner and admittedly, the said Government Order in G.O.(Ms).No.66, Higher Education Department (D2), dated 03.04.2025, whereby Sub Rule 3(ii) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 was amended, was not given retrospective effect and therefore, the said Government Order cannot be put against the petitioner or the fourth respondent – College to refuse to grant approval for the appointment of the petitioner.

8. In the light of the above both the impugned proceedings issued by the respondents 2 & 3 refusing to grant approval for the appointment of the petitioner are liable to be declared as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.



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9. Accordingly, the impugned proceedings dated 30.10.2025 and 06.02.2026, issued by the second respondent and third respondent respectively, are hereby quashed and this writ petition is allowed with a direction to the second respondent to grant approval for the appointment of the petitioner as Sanitary Worker in the fourth respondent – College from the date on which he joined in the said post and release all consequential monetary benefits as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this order. No costs.

09.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Principal Secretary,
Higher Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Director of Collegiate Education,
I.A.S.E.Campus,
577, Anna Salai, Saidapet,
Chennai-600 015.



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3.The Joint Director,
Collegiate Education,
Tiruchirappalli Region,
Tiruchirappalli-620 021.



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