



W.P.(MD).No.7198 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15-04-2026

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.7198 of 2026

and

W.M.P.(MD).No.5888 of 2026

Madura College,
Rep.by its Secretary,
C.A.S.Natanagopal

...Petitioner

Vs

1. The Government of Tamilnadu
Represented by the Principal Secretary
Higher Education Department
Fort St.George
Chennai 600 009.

2. The Government of Tamil Nadu
Represented by the Principal Secretary
Finance Department
Fort St.George
Chennai 600 009.

3. The Commissioner of Collegiate Education
I.A.S.E Campus, 577 Anna Salai
Saidapet, Chennai 600 015

4. The Regional Joint Director of Collegiate Education
Madurai Region ... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for records on the file of the 4th respondent made in O.Mu.No. 18240/E2/2025 dated 28.01.2026 and quash the same and consequently direct the Respondents to grant approval for appointments of 15 Group D Non Teaching Staffs (Names vide Annexure) and release the Salary with effect from the date of appointment i.e., 04.09.2025 and 06.10.2025 respectively and to pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s.N.Dilipkumar
for
M/s.E.Martin Jaya Kumar
For Respondents : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 28.01.2026 and seeking consequential direction to the respondents to grant approval for appointments of 15 Group D Non-Teaching Staffs and release the salary with effect from the date of appointment i.e., 04.09.2025 & 06.10.2025 respectively.



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2. The petitioner herein is a college. It sought permission from the

And respondent to fill up 15 Group 'D' non-teaching posts. Such permission was accorded by the 3rd respondent through proceedings in Na.Ka.No.48084/G2/2022 dated 30.11.2022. According to the said proceeding, the petitioner proceeded to fill up the said Group 'D' non-teaching posts and issued appointment orders in favour of the selected candidates on 04.09.2025. Thereafter, the petitioner sought approval of the said appointments from the 3rd respondent. However, the 3rd respondent, by the impugned proceedings dated 28.01.2026, refused to grant approval on the ground that, in terms of G.O.Ms.No.66, Higher Education Department, dated 03.04.2025, all Group 'D' non-teaching posts are required to be filled up through outsourcing and not by way of regular appointments. Aggrieved by the said proceedings dated 28.01.2026, the petitioner has approached this Court by filing the present writ petition.

3. The learned Counsel for the petitioner contended that G.O.Ms.No.66, dated 03.04.2025, has no application to vacancies that arose prior to 03.04.2025. According to him, sub-rule (3)(1) of Rule 11 of the Tamil Nadu Private Colleges (Regulation) Rules, 1976, was



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amended through G.O.Ms.No.66, dated 03.04.2025, and the amended rule mandates that all Group 'D' posts are to be filled through outsourcing. However, the said amendment cannot be applied retrospectively to vacancies that arose prior to 03.04.2025. In support of his contention, he placed reliance on the decision of the Division Bench of this Court in the case of The Government of Tamil Nadu & Others v. National College, in W.A.No.3429 of 2025, dated 17.11.2025.

4. On the other hand, Mr.N.Satheesh Kumar, learned Additional Government Pleader, contended that the appointments were made only on 04.09.2025 and 06.10.2025, which are clearly subsequent to the issuance of G.O.Ms.No.66, dated 03.04.2025. He further contended that the impugned appointments, which are the subject matter of the impugned proceedings, are not in accordance with G.O.Ms.No.66, and therefore, the 3rd respondent rightly refused to grant approval for the same.

5. It is not in dispute that the 3rd respondent had granted prior permission for filling up 15 Group 'D' non-teaching posts in the petitioner's college as early as on 30.11.2022. This factual aspect has been specifically stated in paragraph No.4 of the affidavit filed in support



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of the writ petition, and the respondents have not disputed the same in the counter affidavit filed in the present writ petition.

6. The Division Bench of this Court in W.A.No.3429 of 2025 dated 17.11.2025 has considered the very same aspect and held as follows:

"6. Admittedly, the vacancies in 48 Group-D posts arose in 2022, and the respondent/writ petitioner submitted representation on 22.07.2022 seeking approval to fill up those vacancies. As on the date when the vacancies arose and the representation was made, there was no prohibition on filling up Group-D category posts. The request for approval was rejected on 26.07.2023. The amendment to Rule 11 of the Rules, 1976, came into effect only on 03.04.2025 and does not contain any provision conferring retrospective operation. Therefore, the amended Rule cannot be invoked to retrospectively curtail the respondent/writ petitioner's vested right to fill up the vacancies in accordance with the rules then in force. Consequently, the contention of the learned Additional Advocate General that the impugned order is contrary to amended Rule 11 is without merit."



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7. In the light of the above, the contention of the learned Additional Government Pleader that the date of vacancy is not a relevant criteria and that the date of appointment alone is the relevant criteria cannot be accepted, in view of the decision of the Hon'ble Division Bench holding that vacancies which arose prior to 03.04.2025 cannot be subjected to the rigour of the amended rule under G.O.Ms.No.66, dated 03.04.2025.

8. In these circumstances, the impugned order, insofar as it seek to apply G.O.Ms.No.66, dated 03.04.2025, to vacancies that arose much prior to 30.11.2022, cannot be sustained. Accordingly, the impugned order passed by the 4th respondent dated 28.01.2026 is quashed. Further, the 3rd respondent is directed to grant approval for the appointment of 15 Group 'D' non-teaching staffs pursuant to the proposal dated 19.11.2025 submitted by the petitioner and to issue necessary proceedings as expeditiously as possible, in any event, within a period of eight weeks from the date of receipt of a copy of this order.



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9. With the above directions, this Writ petition is allowed. No

costs. Consequently, connected miscellaneous petition is closed.

15.04.2026

NCC:yes/no

Index:yes/no

Internet:yes/no

gvn

To:

1. The Principal Secretary,
Higher Education Department,
Fort St.George,
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Finance Department,
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MUMMINENI SUDHEER KUMAR, J.

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