



W.A(MD)No.372 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.372 of 2026
and
C.M.P(MD)No.3377 of 2026**

- 1.The Director of Elementary Education,
O/o.The Director of Elementary Education,
College Road, Chennai-6.
 - 2.The Joint Director of Elementary Education,
O/o.The Joint Director of Elementary Education,
College Road, Chennai-6.
 - 3.The District Educational Officer (Elementary)
O/o.The District Elementary Education Office,
Sivakasi, Virudhunagar District.
 - 4.The Block Educational Officer,
O/o.The Block Educational Office,
Rajapalayam,
Virudhunagar District.
- ... Appellants/Respondents 1 to 4

vs.

- 1.R.Moorthirajan (Retired)
- ...1st Respondent/Writ petitioner



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2.The Secretary
Nadar Primary School,
Zamin Kollankondan,
Rajapalayam Taluk,
Virudhunagar District.

3.The Head Master,
Nadar Primary School,
Zamin Kollankondan,
Rajapalayam Taluk,
Virudhunagar District.

...Respondents 2 & 3/
Respondents 5 & 6

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.11.2025 made in W.P(MD)No.24575 of 2025.

For Appellants	: Mr.J.Ashok Additional Government Pleader
For Respondents	: Mr.H.Mohammed Imran for M/s.Ajmal Associates

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge allowing the writ petition, respondents 1 to 4 therein have filed the present writ appeal.



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2. The writ petition was filed assailing the impugned proceedings of the third respondent in Na.Ka.No.1023/A4/2025 dated Ni.04.2025 and the consequential proceedings of the fourth respondent in Na.Ka.No.433/A4/2025 dated 15.05.2025.

3. The writ petitioner was appointed as a Secondary Grade Teacher on 23.01.1991 in the sixth respondent school, an aided non-minority institution and his appointment was duly approved from the date of initial appointment. During his service, he was placed under suspension for the periods from 02.11.2001 and 31.01.2002 and 08.10.2002 to 08.12.2002, on account of which his annual increments were withheld. The petitioner attained the age of superannuation on 30.11.2022 and was paid all terminal benefits. However, he was not granted the benefits of annual increments, Selection Grade, Special Grade and fincensive increments.

4. Subsequently, the sixth respondent fowarded a proposal seeking sanction of the said benefits, which came to be approved on 21.02.2025. Accordingly, the petitioner was conferred Selection Grade in the cadre of Secondary Grade Teach



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with effect from 07.02.2001 and Special Grade with effect from 10.02.2011. The petitioner further claimed entitlement to an additional increment upon completion of 30 years of service on 09.02.2021. Though he had been placed under suspension, no disciplinary proceedings were initiated against him. It is his specific case that he had never relinquished his promotional opportunities at any point of time.

5. The appellants contended that the juniors of the writ petitioner had been promoted as B.T. Assistants and subsequently as Headmasters, and therefore, it must be presumed that the petitioner had relinquished his right to promotion. However, the learned Single Judge, upon consideration of the counter affidavit, held that such presumption is untenable and contrary to the provisions governing promotion under the Tamil Nadu Private Schools (Regulation) Act and the Rules, wherein promotion is based on merit and ability and not solely on seniority and accordingly allowed the writ petition.

6. Assailing the said order, the present writ appeal has been filed.



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7. The only contention raised by the learned Additional Government Pleader that the school authorities has not produced any document to show the petitioner relinquished his promotional post. Only after seeing the documents whether the petitioner relinquished or not, the benefits could be given.

8. Per contra, the learned counsel for the first respondent/writ petitioner submitted that in the absence of any disciplinary proceedings, the petitioner, having completed the requisite years of service, is entitled to Selection Grade and other consequential benefits. It is an admitted position that the service records of the petitioner, which are in the custody of the appellants, do not disclose any relinquishment of promotion at any point of time. The reasoning in the impugned order that the petitioner must have relinquished promotion merely because his juniors were promoted as Headmasters on 01.06.1995 is wholly unsustainable. At the relevant time, the petitioner had not completed the requisite qualification for appointment as Headmaster, and therefore, no such presumption can be drawn.

9. In the absence of any disciplinary proceedings and in view of the petitioner having completed 30 years of service, we find no merit in the writ appeal.



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10. Accordingly, the writ appeal stands dismissed. The petitioner is entitled to all consequential benefits. No costs. Consequently, the connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
18.03.2026

NCC : Yes / No
Index : Yes / No
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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

am

ORDER MADE IN
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DATED : 18.03.2026