



W.A.(MD) No.1612 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A.(MD) No.1612 of 2024
and
C.M.P.(MD) No.12581 of 2024**

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 009.
- 3.The Chief Educational Officer,
Kanyakumar District at Nagercoil.
- 4.The District Educational Officer,
Kuzhithurai - 629 165,
Kanyakumari District.

... Appellants

Vs.

- 1.S.Rejani
- 2.The Correspondent,
T.C.K.Higher Secondary School,
Padandalumoodu P.O.,
Kanyakumari District - 621 194.



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3.The Headmaster,
T.C.K.Higher Secondary School,
Padandalumoodu P.O.,
Kanyakumari District - 621 194.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the judgment dated 20.10.2023 made in W.P.(MD) No.16143 of 2016.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader

For R1 : Mr.K.Ragatheesh Kumar

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The State is on appeal, aggrieved by the order of the Writ Court made in W.P.(MD) No.16143 of 2016 on 20.10.2023.

2. The action of the Government in refusing the approval for the appointment of the first respondent as B.T. Assistant in Economics was the subject matter of challenge in the Writ Petition. The sole ground on which the approval was refused was that the first respondent had not passed the language test. The Writ Court after copiously referring to the



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Judgment of this Court in **S.Mohamood Basha Vs. The Director of Collegiate Education, College Road, Madras 600 006 and others**, reported in 2002 (3) CTC 336, and the order of this Court in **Fr.Geevarghese Mathew Vs. The State of Tamil Nadu and others**, dated 29.07.2021, made in W.P.(MD) No.11689 of 2017 and after observing that the aforesaid order in **Fr.Geevarghese Mathew** case has been confirmed by the Division Bench of this Court in W.A.(MD) No. 2131 of 2021, by its Judgment dated 29.11.2021.

3. In **S.Mohamood Basha** case referred to *supra*, this Court has held that Rule 12-A of the Tamil Nadu State and Subordinate Services Rules will not apply to the appointment made under the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973, and the Rules thereunder. The said Judgment was referred to in **Fr.Geevarghese Mathew** case referred to *supra*, which has been affirmed by the Division Bench of this Court also.

4. Hence, this Court finds no interference with the order of the Writ Court dated 20.10.2023 made in W.P.(MD) No.16143 of 2016. This Writ Appeal fails.



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5. The appellants shall approve the appointment of the second respondent with effect from the date of her initial appointment and pay all monetary benefits due to her within a period of 8 weeks from the date of receipt of a copy of this Judgment.

6. In the result, this Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

R.S.M., J.

S.M., J.

23.09.2024

Index: Yes

Neutral Citation: Yes

Non-Speaking Order

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