



W.A.(MD)No.2246 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 07.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**and**

**THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD)No.2246 of 2024**

**and**

**C.M.P.(MD)No.15701 of 2024**

1.The Chief Educational Officer,  
Tenkasi,  
Tenkasi District.

2.The District Educational Officer (Secondary),  
Tenkasi,  
Tenkasi District.

: Appellants

Vs.

The Correspondent,  
A.V.S. High School,  
Puliangudi – 627 855.  
Kadayanallur Taluk,  
Tenkasi District.

: Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent,  
praying to set aside the order dated 28.02.2024 in W.P.(MD)No.  
1729 of 2024.



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**W.A.(MD)No.2246 of 2024**

For Appellants : Mr.J.Ashok

Additional Government Pleader

For Respondent : Mr.T.Pon Ram Kumar

### **JUDGMENT**

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[Judgment of the Court was delivered by **M.S.RAMESH, J.**]

Challenge is made to the order of the learned Single Judge dated 28.02.2024 in W.P.(MD)No.1729 of 2024.

2.The learned Additional Government Pleader would submit that the respondent school, which is a minority school, would have no right to upgrade the sanctioned post without proper permission of the concerned authorities. On this ground, he seeks for setting aside the order of the learned Single Judge.

3.We are unable to endorse the ground raised by the learned Additional Government Pleader for two reasons.

(i) Firstly, such a ground does not appear to have been taken by the appellants before the learned Single Judge and having failed to do so, we will not be in a position to interfere with the order of the learned Single Judge.

(ii) Secondly, the issue with regard to rights of minority schools upgrading sanctioned posts has already been dealt with in



**W.A.(MD)No.2246 of 2024**

several Writ Petitions as well as by the Division Benches of this Court holding that a minority institution will be well within its power to upgrade a sanctioned post. One such case of the Coordinate Bench of this Court is the ***Chief Educational Officer, Tirunelveli and another Vs. S.Josephin Vijaya and another, dated 14.12.2017 in WA.(MD)No.1497 of 2017.***

4.When a Coordinate Bench has already taken such a view, which has been reiterated in a batch of Writ Petitions, we do not agree with the said ground raised by the appellants in this regard. Hence, we do not find any merits in this Writ Appeal.

5.Accordingly, this Writ Appeal fails and the same is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

**[M.S.R.,J.] & [A.D.M.C.,J.]**

**07.11.2024**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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**M.S.RAMESH, J.**  
**and**  
**A.D.MARIA CLETE, J.**

MR

**JUDGMENT MADE IN**  
**W.A.(MD)No.2246 of 2024**

**07.11.2024**