



W.A.(MD) No.2077 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.2077 of 2024
and
C.M.P(MD)No.14756 of 2024**

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Tirunelveli (Secondary),
Tirunelveli District.

... Appellants

-VS-

The Correspondent,
CMSES David Memorial Higher Secondary School,



W.A.(MD) No.2077 of 2024

Karisal Post, Cheranmahadevi,
Tirunelveli District-627 414.

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 14.12.2023, passed in W.P.(MD)No.26738 of 2023.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For Respondent : 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, directing approval of the appointment of one D.Tennis Doss as B.T. Assistant (Science) in the respondent School.

2. The respondent school appointed the said Tennis Doss as B.T. Assistant (Science) in the Secondary Grade Teacher vacancy caused due to the death of the incumbent in that post and sought for approval of the said appointment. The District Educational Officer, Tirunelveli, the fourth appellant herein, refused approval on the ground that the respondent school has not obtained prior approval for upgrading the post of secondary grade teacher held by Tennis Doss, as a graduate teacher.



W.A.(MD) No.2077 of 2024

WEB COPY 3. The question of prior approval for upgradation is no longer *res integra*.

This Court in **Government of Tamil Nadu, Rep. by its Secretary to Government, Department of School Education, Madras and others vs. J.Remila and others** reported in **2018 (1) Writ Law Reporter 410**, has held that a minority institution does not require prior approval for upgradation of a post. The said view was affirmed by the another Division Bench of this Court in a recent judgment dated **29.02.2024** rendered in **W.A.(MD)Nos.1093 of 2023 and 630 of 2024** [The Government of Tamil Nadu, Rep. by its Secretary, Education Department, Chennai and others vs. Immaculate Arputha Mary Usha and others].

4. The Writ Court has taken note of the fact that the respondent school is a stand alone minority school and the question of surplus teachers would not arise. Therefore, we do not find any reason to interfere with the order of the Writ Court. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
bala

[R.S.M., J.] [L.V.G., J.]
23.10.2024



W.A.(MD) No.2077 of 2024

WEB COPY

To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The District Educational Officer,
Tirunelveli (Secondary),
Tirunelveli District.



WEB COPY



W.A.(MD) No.2077 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

bala

W.A.(MD) No.2077 of 2024

23.10.2024