



WA(MD). No.2182 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/11/2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD). No.2182 of 2024
and CMP(MD) No.15272 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 600 009.

3. The Chief Educational Office,
Dindigul 624 001, Dindigul District

4. The District Educational Officer
Dindigul 624 001
Dindigul District

... Appellants

Vs

The Correspondent
St. Mary's Higher Secondary School
Dindigul 624 001
Dindigul District

... Respondent

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 19.12.2023 in WP(MD). No. 30250/2023.



WA(MD). No.2182 of 2024

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondents : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH, J.)

Challenge is made to the order of the writ Court dated 20.12.2023 in WP(MD) No.30245/2023.

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,



WA(MD). No.2182 of 2024

WEB COPY (ii) Secondly, the issue with regard to rights of minority schools upgrading sanctioned posts has already been dealt with in 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 v. S.Josephin Vijaya and another, dated 14.12.2017 in WA (MD) No.1497/2017.

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 the writ appeal. Accordingly, the writ appeal fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

04.11.2024

NCC : Yes/No

Index : Yes/No

RR

3/5



WA(MD). No.2182 of 2024

TO

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WA(MD). No.2182 of 2024

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

RR

**ORDER
IN
WA(MD) No.2182 of 2024**

Date : 04/11/2024