



W.A.(MD)No.2239 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.2239 of 2024

and

C.M.P.(MD)No.15640 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 Officer,
Dindigul – 624 001,
Dindigul District.
- 4.The District Educational Officer,
Dindigul – 624 001,
Dindigul District.

: Appellants

Vs.



W.A.(MD)No.2239 of 2024

WEB COPY

The Correspondent,

St.Mary's Higher Secondary School,

Dindigul – 624 001,

Dindigul District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 20.12.2023 in W.P.(MD)No. 30244 of 2023.

For Appellants : Mr.J.Ashok

Additional Government Pleader

For Respondent : Mr.K.Ragadeesh 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 learned Single Judge dated 20.12.2023 in W.P.(MD)No.30244 of 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.



W.A.(MD)No.2239 of 2024

WEB COPY

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 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.



W.A.(MD)No.2239 of 2024

WEB COPY

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.]

06.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.A.(MD)No.2239 of 2024

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 – 600 009.
- 3.The Chief Educational Officer,
Dindigul – 624 001,
Dindigul District.
- 4.The District Educational Officer,
Dindigul – 624 001,
Dindigul District.



WEB COPY



W.A.(MD)No.2239 of 2024

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

MR

JUDGMENT MADE IN
W.A.(MD)No.2239 of 2024

06.11.2024