



W.P.(MD).No.24438 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24438 of 2024

and

W.M.P.(MD) Nos.20759 and 20763 of 2024

T.Rachel Gnanarose
P.G.Assistant in English
CMS Evangelical Suvi David Memorial
Higher Secondary School,
Karisal- 627 414,
Tirunelveli District.

... Petitioner

Vs.

1. The Commissioner of School Education,
College Road, Chennai – 600 006.
2. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
3. The District Educational Officer
(Secondary)
Tirunelveli, Tirunelveli District.
4. The Correspondent,
CMS Evangelical Suvi David Memorial
Higher Secondary School,
Karisal- 627 414,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the record relating to the impugned proceedings issued by the third respondent District Educational Officer (Secondary), Tirunelveli in O.Mu.No. 974/A2/2023, dated 09.11.2023, quash the same, and further direct the respondents to approve the appointment of petitioner as PG Assistant in English w.e.f 01.10.2020 in the fourth respondent School, namely CMS Evangelical Suvi David Memorial Higher Secondary School, Karisal, Tirunelveli District and disburse grant -in-aid towards her salary and other monetary benefits.

For Petitioner : Mr.S.Xavier Rajini

For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a PG Assistant (English) appointed in the fourth respondent School, challenging the order passed by the third respondent herein, wherein the proposal sent by the Management for approval of her appointment, has been rejected.



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2. A perusal of the impugned order reveals that the proposal forwarded by the Management has been rejected on the ground that Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, has not been followed and the approval with regard to the Correspondentship of her School is in dispute. This order is under challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, in view of the judgment of the Hon'ble Division Bench of our High Court reported in **2007 (4) LW 617 (Eka Ratchagar Sabai Higher Secondary School and another Vs. K.Sumathi and another)** a minority institution is not mandated to follow Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. Therefore, such an issue would not arise. He further relied upon the proceedings of the third respondent herein, dated 29.05.2019, wherein the Correspondentship of the fourth respondent has been approved for a period of three years from 14.10.2017 to 13.10.2020. He further relied upon another proceedings of the third respondent dated 05.01.2023, wherein the Correspondentship has been approved for another period of three years from 14.10.2020 to 13.10.2023. The appointment order



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of the writ petitioner having been issued on 01.10.2020, only by an approved correspondent.

4. Considering the fact that the fourth respondent School is an aided minority institution, following the judgment of the Hon'ble Division Bench of our High Court reported in **2007 (4) LW 617 (Eka Ratchagar Sabai Higher Secondary School and another Vs. K.Sumathi and another)**, this Court is of the considered opinion that the minority institution cannot be directed to follow Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. Further, in view of the orders passed by the third respondent herein on 29.05.2019 and 05.01.2023, it is clear that there is no dispute with regard to the Correspondentship at the time of appointment of the writ petitioner.

5. In view of the above said facts, the order impugned in the writ petition is set aside and the third respondent is directed to forward the files to the second respondent herein within a period of four weeks from the date of receipt of a copy of this order. The second respondent herein is directed to pass orders approving the appointment of the writ petitioner with all attendant



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benefits from the date of appointment, namely 01.10.2020, within a period of eight weeks thereafter.

6. With the above said observations, the Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

28.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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Tirunelveli.
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R.VIJAYAKUMAR,J.

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