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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 4117 of 2025

And

W.M.P.Nos. 4619 & 4621 of 2025

S.Tamizhanban

... Petitioner

..Vs..

1. The Director of School Education
DPI Campus
Chennai – 6.

2. The Chief Educational Officer
Thiruvallur, Thiruvallur District.

3. The District Educational Officer (Secondary)
Thiruvallur,
Thiruvallur District.

4. The Correspondent
TELC Kabis Higher Secondary School
Pandur – 631 203,
Thiruvallur Taluk and District.

... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the entire records which culminated in the order passed by the second respondent vide proceedings in O.Mu.No.2114/A5/2024 dated 03.12.2024 and as confirming by the third respondent proceedings in O.Mu.No.5330/A5/2024 dated 27.12.2024 and quash the same and directing the second respondent to approve the appointment of the petitioner as Physical Education Teacher in the fourth respondent school, with effect from 01.02.2013 and with all consequential service and monetary benefits.

For Petitioner :: Mr. P.Ganesan

For Respondents :: Mrs. S.Mythereye Chandru
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order of the second respondent / the Chief Educational Officer, Thiruvallur, Thiruvallur District, dated 03.12.2024 and confirmed by the third respondent / the District Educational Officer (Secondary), Thiruvallur, Thiruvallur District dated 27.12.2024 and



quash the same and consequently, direct the second respondent to approve the appointment of the petitioner as Physical Education Teacher in the fourth respondent school / TELC Kabis Higher Secondary School at Thiruvallur Taluk and District, Pandur with effect from 01.02.2013 together with consequential service and monetary benefits.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner had been appointed as Physical Education Teacher in the fourth respondent school which is a minority school on 01.02.2013 in the vacancy which arose owing to Mr.Anandakumar, being promoted as B.T. Assistant (Science). The petitioner is otherwise qualified to be appointed as physical education teacher, since he had also completed B.P.Ed., course in the year 2009. The Management then sent a proposal for approval of his appointment on 06.08.2013. This was returned by the third respondent by communication dated 10.09.2013 that the staff refixation of the academic year 2012-2013 should also be sent. The fourth respondent complied with the same and forwarded further proposal as on 01.02.2013. The proposal was again returned by the respondents.



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3. In the order impugned, it had been contended that for the academic year 2022-2023, the total number of students from 6th standard to 12th standard in the fourth respondent school was 193 and that the Physical Education Teacher could be approved for appointment only if the students strength is 250 and more in accordance with G.O.Ms.No. 238 dated 13.11.2018. This order is put to test in the present Writ Petition.

4. The learned counsel pointed out that so far as the sanctioned strength is concerned in accordance with the communication issued on 18.12.2023, for Physical Education Teacher, there was one sanctioned posts even for the year 2022-2023 and 2023-2024. It is thus contended that there was one existing sanctioned posts for physical education teacher in the school. The learned counsel then pointed out the strength of the students. There were totally 485 students in the academic year 2012-2023 and the total number of sanctioned posts for physical education teacher were actually 2. It had been pointed out that one post had been subsequently surrendered to the Government. One post was retained by the School. That post continued to be retained by the School. It is therefore contended that



when the students strength was 485, the appointment of the petitioner cannot be either denied or disputed by the respondents, if the petitioner had been appointed only to a sanctioned posts.

5. These are facts which though raised by the learned counsel for the petitioner are of much force and the records also reveal that for the academic year 2012-2013, the total number of students, who studied in the school was 485 and there was necessity for two physical educational teachers to impart that training to the students. But however, the students strength came down. Still, one sanctioned post was available for the post of physical education.

6. In the impugned order, the statement that there was only 193 students in the year 2022-2023 has to be necessarily interfered with by this Court since the petitioner had been appointed not in the year 2022-2023 but had been appointed on 01.02.2013 when the number of students was 485. Even otherwise, it is seen that even for the year 2022-2023, there was still one post sanctioned for physical education teacher for the school. Either way, the respondents cannot deny approval of appointment of the petitioner as physical education teacher. I hold that the impugned order will



necessarily have to suffer an order to be set aside and the same is set aside.

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7. The Writ Petition stands allowed. W.M.P.No. 4619 of 2025 stands allowed and W.M.P.No. 4621 of 2025 stands closed. No order as to costs.

8. A direction is given to the respondents to approve the appointment of the petitioner on and from 01.02.2013. The petitioner is entitled for service and monetary benefits which had accrued during the course of service on and from 01.02.2013.

04.03.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,

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