



W.P.No.4496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4496 of 2025 and
W.M.P.No.5004 of 2025

A.G.Jeevitha

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.

3.The District Educational Officer,
(Elementary Education),
Thiruvallur District.

4.The Block Educational Officer,
Pallipattu,
Thiruvallur District.

5.ANM Middle School,
Rep. by its Correspondent,
Punniyam - 631 207.
Pallipattu Panchayat,
Thiruvallur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent Aa.Thee.Mo.No.523/A1/2024 dated 28.08.2024 and quash the same and consequently, direct the respondents' to grant approval to the appointment of the petitioner to the post of Middle Headmaster with effect from 01.07.2024 with all service and monetary benefits by taking into account the fact that the school is a standalone institution and the petitioner is qualified with Teacher Eligibility Test.

For Petitioner : Mrs.R.Dakshayini Reddy, Sr.Counsel for
Ms.S.Suneetha

For Respondents : Mr.T.Chezhiyan, AGP for R1 to R4

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent Aa.Thee.Mo.No.523/A1/2024 dated 28.08.2024 and quash the same and consequently, direct the respondents' to grant approval to the appointment of the petitioner to the post of Middle Headmaster with effect from 01.07.2024 with all service and monetary benefits by taking into account of the fact that the school is a standalone institution and the petitioner is qualified with Teacher Eligibility Test.



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2. Heard Mrs.R.Dakshayini Reddy, learned Senior Counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents 1 to 4 and perused the materials available on record.

3. The petitioner has been appointed to the post of Middle School Headmaster with effect from 01.07.2024 in the fifth respondent School in the vacancy arose due to the retirement of the then Head Mistress with effect from 31.05.2024. After following proper selection process, the fifth respondent had chosen the petitioner to the post of Headmistress.

4. The learned Senior Counsel for the petitioner submitted that the petitioner has got TET qualification. When the petitioner's appointment was forwarded to the third respondent for approval, it was rejected on 28.08.2024 by stating that there are surplus teachers in the other aided schools and the proposal can be considered only after getting no objection from the surplus teachers in other schools. So far as the fifth respondent School is concerned, it is a stand alone institution and it is not



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a unit or group of schools falling under one corporate entity. The fifth respondent School did not have any surplus vacancy on the date of appointment of the petitioner and the post for which the petitioner was appointed is a sanctioned post.

5. Even the respondents' contention is not that the post was a non-sanctioned post. The fifth respondent School is a stand alone institution. The Management has got the right to fill up the vacancy without getting any prior approval. The reason for returning the proposal is without any basis and not in accordance with the Tamil Nadu Private School Regulations Act. The petitioner was found to be eligible to the said post and she has also got pass in TET qualification and her appointment to the post was against the sanctioned vacancy by adopting the due procedure for selection / promotion. Hence, the petitioner can request the fifth respondent School to re-present the proposal to the third respondent for getting approval in accordance with the settled position of law on the point for which the proposal was returned.



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6. In view of the above stated reasons, this Writ Petition is disposed and the petitioner is at liberty to submit an application to the fifth respondent School to re-present the proposal to the third respondent for getting approval. On receipt of the same, the fifth respondent School is directed to re-present the proposal to the third respondent and thereafter, the third respondent can consider and pass orders granting approval within a period of four weeks from the date of re-presentation. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To



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R.N.MANJULA, J.

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