



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

**WP No. 8382 of 2025 and
WMP No.9402 of 2025**

S.Ruban Yesudass,
Record Clerk,
C.S.I. Higher Secondary School,
Nagapattinam.

Petitioner(s)

Vs

1. The Chief Educational Officer,
O/o. the Chief Educational Office,
Nagapattinam, Nagapattinam District.

2.The District Educational Officer
O/o. the District Educational Office,
Nagapattinam, Nagapattinam District.

3.The Correspondent
C.S.I. Higher Secondary School,
Nagapattinam, Nagapattinam.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to approve the petitioner's appointment as Record clerk w.e.f 27.11.2018 and pay arrears of salary with all consequential monetary benefits and retirement benefits arising thereon and by considering the proposal dated 07.12.2021 and 27.10.2022 sent by the 3rd respondent to the 2nd respondent within the period that may be stipulated by this court.

For Petitioner(s): Mr.S.Venkatesan
Ajmal Associations

For Respondent(s): Mr.S.Prabhakaran
Government Advocate for R1 & R2

**ORDER**

This writ petition has been filed for a direction directing the second respondent to approve the petitioner's appointment as Record clerk w.e.f 27.11.2018 and pay arrears of salary with all consequential monetary benefits and retirement benefits arising thereon and by considering the proposals dated 07.12.2021 and 27.10.2022 sent by the third respondent to the second respondent within the period that may be stipulated by this court.

2.The case of the petitioner is that the third respondent school is a minority institution and is receiving grant in aid from the Government. While being so, on account of the promotion of the erstwhile incumbent from the post of Record Clerk to the post of Junior Assistant, the post of Record Clerk which is a sanctioned vacancy became vacant in the third respondent school. The petitioner was appointed in the said vacancy as Record Clerk on 27.11.2018. After his appointment, the third respondent submitted a proposal to the second respondent to approve his appointment. Initially, the second respondent returned the proposal seeking certain clarifications. Once again, the proposal was submitted to the second respondent. Again, it was returned on the ground that as per G.O.Ms.No.238, School Education Department, dated 13.11.2018, unless surplus non teaching staff are deployed within the revenue department, the question of any new appointment would not arise. Now, again the proposal was sent by the third respondent to the second respondent on the ground that



G.O.Ms.No.238, School Education Department, dated 13.11.2018, is not applicable to the case of the petitioner since the petitioner was appointed in a sanctioned post.

3.A perusal of the counter affidavit filed by the first respondent and the submissions made by the learned Government Advocate appearing for the first and second respondents reveals that G.O.Ms.No.238, School Education Department, dated 13.11.2018, regulating the appointment of non teaching employees in aided schools was upheld by this Court in *W.P.(MD) No.18869 of 2019, dated 08.02.2023*. As per the regulations, there are surplus non teaching employees working in Nagapattinam Educational District and (6) posts of Office Assistants, (14) posts of Record Clerks and (6) posts of Junior Assistants were surplus at the time of the appointment of the petitioner as Record Clerk. Therefore, the appointment of the petitioner cannot be approved.

4.In view of the same, this Court is of the view that the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
sli

27-11-2025



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G.K.ILANTHIRAIYAN, J.

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To

1. The Chief Educational Officer,
O/o. the Chief Educational Office,
Nagapattinam, Nagapattinam District.

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