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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.8776 of 2025

S.Srinivasan

.. Petitioner

Vs.

1.The Director of School Education,
Perasiriyar Anbazhagan Valagam,
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Egmore, Chennai – 600 008.

3.The District Educational Officer (Secondary),
Chennai North,
Villivakkam,
Chennai – 600 049.

4.The Correspondent,
Sri A.G.Jain Higher Secondary School,
Sowcarpet,
Chennai – 600 079.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 2nd respondent in O.Mu. No.2660/ Aa2/ 2023 dated 10.07.2023 and to quash the same and



consequently directing the respondents 1 to 3 to grant approval of appointment of petitioner in the sanctioned post of Waterman in the 4th respondent school from the date of appointment on 01.09.2018 within all consequential and other attendant benefits including payment of arrears of salary and other service benefits.

For Petitioner .. Mr.S.Nedunchezhiyan

For R1 to R3 .. Mr.Mythreye Chandru, SGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to proceedings of the 2nd respondent dated 10.07.2023 and to quash the same and direct the respondents to grant approval for appointment of the petitioner in the sanctioned post of Waterman in the 4th respondent school from the date of appointment / 01.09.2018 with all consequential service and monetary benefits.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had been appointed as waterman in the 4th respondent school on 01.09.2018 in a post which was sanctioned and which



was vacant. It had been further contended that the 4th respondent school is a minority school and therefore, protected under Article 30 of the Constitution of India. It had been further stated that there cannot be a restriction placed on a minority institution in matters of their administration. It had been stated that by the impugned order, the appointment of the petitioner had been rejected on the ground that the 4th respondent school had no right to appoint anybody directly in a sanctioned post or in a vacant post.

3.The learned Special Government Pleader for the respondents had placed reliance on the Government order in G.O.Ms.No.64 School Education Department dated 03.04.2018 wherein, it had been stated that even for Government schools, unless prior permission is obtained and appointments are made, the 4th respondent school is a minority institution and therefore, the Government order would not apply.

4.The learned counsel for the petitioner stated that for the very same post of waterman in another minority institution, a learned Single Judge of this Court had granted the relief of approval of appointment. In this connection, reference could be made to the order of the learned Single



Judge in W.P.No.27563 of 2021 dated 27.09.2023, M.Rajkumar Vs. The Chief Educational Officer, Chennai and two others, wherein, on a similar issue, the learned Single Judge had held as follows:

9.Insofar as the plea raised by the 2 nd respondent that prior approval should have been obtained by the 3 rd respondent school before making the appointment of the petitioner in the said post of Waterman in the 3 rd respondent school is concerned, that issue is no more res-integra because insofar as the non-teaching staff post sanctioned in an aided school like the 3 rd respondent school is concerned, such kind of prior approval is not required for making an appointment, therefore, the appointment made in the post, which was a sanctioned one, where already one incumbent was working and due to his death on 09.09.2017, it has become vacant, the 3 rd respondent school need not have obtained any prior approval. Though the post of Waterman has been abolished and has to be surrendered to the Department as per G.O.Ms.No.238 dated 13.11.2018, the petitioner has been appointed as early as 22.10.2018 and therefore the approval of appointment of the petitioner cannot be rejected citing the said Government Order. Therefore, this Court feels that the proposal sent by the



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3 rd respondent school with regard to appointment of the petitioner as a non-teaching staff, which is Waterman in the 3 rd respondent school has to be considered on merits and decided by the official respondents within a time frame.

10. In view of the above factual matrix of the case and the ratio laid down by the Division Bench of this Court in W.A.No.268 of 2021 dated 03.08.2021 and W.A.No.42 of 2021 dated 03.08.2021, this Court is of the considered view that the impugned proceedings in O.Mu.No.3077/E4/2019 dated 26.08.2020 of the 1 st respondent is liable to be quashed and the same is hereby quashed.

11. In the result, this writ petition stands allowed and the respondent officials are directed to grant approval of appointment of the petitioner in the sanctioned post of Waterman with effect from the date of initial appointment on 22.10.2018 with all consequential and other attendant benefits including payment of salary and other service benefits and such order shall be passed and communicated to the 3 rd respondent school within a period of six weeks from the date of receipt of a copy of this order. Consequently connected miscellaneous petitions are also closed.



5.The reasonings apply directly to the facts of this case. The 4th respondent school is also minority institution. There was a sanctioned post of waterman, which was vacant. The petitioner is therefore appointed on 01.09.2018. The impugned order is set aside. A direction is given that the petitioner's appointment as waterman should be approved with all service and monetary benefits on and from 01.09.2018. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

08.04.2025

Index:Yes/No
Internet:Yes/No
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C.V.KARTHIKEYAN,J.

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