

W.P. No. 9382 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM

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

W.P. No. 9382 of 2024

and

W.M.P. Nos. 10393 and 10396 of 2024

S.Jayaselvai

... Petitioner

-VS-

1. The Government of Tamil Nadu
Represented by its Principal Secretary
Department of School Education
Fort St. George, Chennai-600009.
2. The Director of School Education
DPI Campus, College Road
Chennai-600006.
3. The Chief Educational Officer
The Office of the Chief Educational Officer
Thiyagi.Na.Annamalaipillai School Campus
Thiruvannamalai – 606601.
4. The District Educational Officer
The Office of the District Educational Officer
Near Collector Office
Thiruvannamalai – 606604.
5. The Correspondent
Don Bosco Higher Secondary School
Polur, Thiruvannamalai-606803.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the



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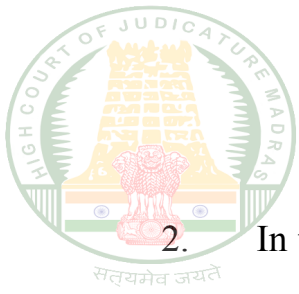
records pertaining to the impugned order dated 02.03.2021 in Na.Ka. No. 9482/E2/2020 on the file of the third respondent and quash the same, directing the respondents 1 to 4, to accord approval to the appointment of the petitioner, Mrs.S.Jayaselvi, working as B.T.Assistant (Maths) in the fifth respondent Don Bosco Higher Secondary School, Polur, Tiruvannamalai – 606803, w.e.f. 21.09.2020, with all service and monetary benefits.

For Petitioner : Mr.Fr.Xavier Arul Raj
Senior Counsel
For M/s.Father Xavier Associates

For Respondents : Mr.S.Mythreye Chandru, SGP (RR1-4)

ORDER

This writ petition has been filed in the nature of certiorarified mandamus seeking records relating to an order dated 02.03.2021 in Na.Ka. No. 9482/E2/2020 of the third respondent and quash the same and direct the respondents 1 - 4 to grant approval to the appointment of the petitioner, Mrs.S.Jayaselvi, who is now working as B.T. Assistant (Maths) in the fifth respondent / Don Bosco Higher Secondary School, Polur, Tiruvannamalai – 606803, with effect from 21.09.2020, with all service and monetary benefits.



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2. In the affidavit filed in support of the writ petition, it has been stated that

the writ petitioner has been appointed as B.T. Assistant (Maths) in the fifth respondent School on 21.09.2020 in an existing vacancy. It had been further stated that the fifth respondent School is a Christian Minority School run by the institution and protected under Article 30 of the Constitution of India.

3. The learned Senior Counsel appearing for the petitioner pointed out the impugned order, wherein it had been stated that the claim of the petitioner had been rejected in view of the interim orders passed in W.A. (MD) No. 76 of 2019 etc., batch by order dated 09.04.2019. The impugned order is dated 02.02.2021. Further, the said writ appeal was disposed off on 31.03.2021, wherein several directions were given with specific reference to the minority institutions and it had been very specifically stated that when there is a vacancy, a minority institution can appoint Teachers to the existing vacancies. The Special Leave Petition filed against the said order was also dismissed. It naturally follows that the respondents will have to re-work the order impugned and pass a fresh order approving the appointment of the petitioner with effect from 21.09.2020.



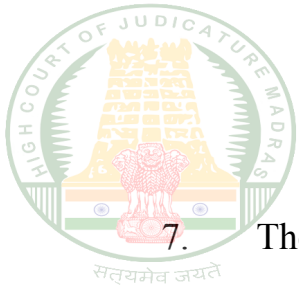
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4. Heard the learned Special Government Pleader also in this regard.

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5. In view of the orders passed in W.A. (MD) No. 76 of 2019 etc., batch, the impugned order is set aside and the matter is remitted back to the third respondent to pass appropriate on the basis of the directions given in the final order in W.A. (MD) No. 76 of 2019 etc., batch dated 31.03.2021 and also taking into consideration the fact that the further appeal filed before the Hon'ble Supreme Court.

6. It must be kept in mind that the fifth respondent School is a minority institution and protected under Article 30 of the Constitution insofar as their administration is concerned. The third respondent may also take into consideration that there is a vacancy which is available and in that vacancy, the petitioner has been appointed as B.T. Assistant (Maths) on 21.09.2020. Appropriate orders may be passed with a period of eight weeks from the date of receipt of a copy of this order. The petitioner is protected with service and monetary benefits on and from 21.09.2020.



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7. The writ petition stands allowed. Consequently, the connected

WEB Miscellaneous Petitions are closed. No costs.

24.03.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Government of Tamil Nadu
Represented by its Principal Secretary
Department of School Education
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C.V.KARTHIKEYAN, J.

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