



WEB COPY



W.P.No.12450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12450 of 2025

and

W.M.P.Nos.13598 & 13599 of 2024

The Correspondent,
CSI Boys Higher Secondary School,
Coimbatore – 641 001.

.... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 638 009.

2.The Commissioner/Director of School Education,
College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
No.500, Raja Stree, Town Hall,
Coimbatore – 641 001.

4.The District Educational Officer,
District Educational Office,
Raja Street,
Coimbatore – 641 001.

.... Respondents



W.P.No.12450 of 2024

Prayer : Writ Petition is 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 order passed by the third respondent in Mu.Mu.No.15400/A4/2022 dated 14.08.2023, quash the same and further direct the third and fourth respondents to approve the appointment of Mr.G.John Wesley Prabhu as B.T.Assistant (Maths) in the petitioner school with effect from 01.06.2018 and release salary and all attendant benefits with effect from the said date.

For Petitioner : Mrs.H.Mary Sowmi Rexi

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

ORDER

This Writ Petition has been filed challenging the order dated 14.08.2023 passed by the third respondent, thereby rejecting the proposal forwarded by the petitioner for approval of appointment of C.John Wesley Prabhu as BT Assistant (Maths) in the petitioner's School with effect from 01.06.2018.

2.Heard the learned counsel appearing on either side and perused the materials available on record.



W.P.No.12450 of 2024

WEB COPY

3.As per the staff fixation for the academic years 2018-2019 and 2019-2020, four posts of B.T.Assistant (Maths) were sanctioned in the petitioner's School. While being so, one I.Lydia Porkodi, who was working as B.T.Assistant (Maths), retired on 31.05.2017 and as such, there was a vacancy arose in the post of B.T.Assistant (Maths) from 01.06.2017. Therefore, the petitioner appointed G.John Wesly Prabhu as B.T.Assitant (Maths) with effect from 01.06.2018. Thereafter, the proposal for approval of the said appointment was forwarded by the petitioner. However, the same was rejected by the third respondent, by order dated 14.08.2023, on the ground that the post of B.T.Assistant (Maths) was surplus in Coimbatore District.

4.A perusal of the counter affidavit filed by the fourth respondent and the submissions made by the learned Special Government Pleader reveals that the third respondent, by its proceedings dated 14.08.2023, fixed the staff strength based on the students strength for the academic year 2022-2023. Though four posts of B.T.Assistant (Maths) had been sanctioned during the academic year 2018-2019, only three posts were found admissible for the academic year 2022-2023 and one post was treated as



W.P.No.12450 of 2024

WEB COPY

surplus and surrendered to the common pool. Therefore, the vacancy post of B.T.Assistant (Maths) has already been surrendered. Further, Section 35(2) of Tamil Nadu Private School Regulation Act 2018, the petitioner failed to obtain any prior permission before filling up the post of B.T.Assistant (Maths). Though the post of B.T.Assistant (Maths) was surplus for the academic year 2023-2023, the vacancy arising out of retirement of I.Lydia Porkodi on 31.05.2017, which was filled on 01.06.2018, could not be approved.

5. Admittedly, the post in question is a sanctioned post and as such, the petitioner appointed one G.John Wesley Prabhu as B.T.Assistant (Maths) with effect from 01.06.2018. Insofar as the prior approval is concerned, the petitioner school is a minority institution and as such, it does not apply to the petitioner school. That apart, if any surplus teachers are available based on the staff fixation, such surplus teachers can be deployed to some other schools by forwarding proposals to the third respondent herein. Further, the Government order passed in G.O.Ms.No.165, dated 17.09.2019, has been declared as inoperative by the Hon'ble Division Bench of this Court and therefore, the said Government order is no longer in force or applicable.



W.P.No.12450 of 2024

WEB COPY

6.In view of the above, the order passed by the third respondent cannot be sustained and is liable to be quashed. Accordingly, the order dated 14.08.2023 passed by the third respondent is hereby quashed. The third and fourth respondents are directed to approve the appointment of C.John Wesley Prbhu as B.T.Assistant (Maths) in the petitioner's School with effect from 01.06.2018 and to disburse the arrears of salary and all other attendant benefits with effect from 01.06.2018, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that at present if the post of B.T.Assistant (Maths) is treated as surplus, the petitioner may be deployed in any available vacancy under the same diocese of the petitioner.

7.In the result, this Writ Petition stands allowed. Consequently connected miscellaneous petitions are closed. No costs.

13.11.2025
(2/2)

Neutral citation :Yes/No
Index:Yes/No
Lpp



W.P.No.12450 of 2024

WEB COPY

To

- 1.The Secretary,
Department of School Education,
Fort St.George, Chennai – 638 009.
- 2.The Commissioner/Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
No.500, Raja Stree, Town Hall,
Coimbatore – 641 001.
- 4.The District Educational Officer,
District Educational Office,
Raja Street, Coimbatore – 641 001.



WEB COPY



W.P.No.12450 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.12450 of 2024

(2/2)

13.11.2025