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W.P.No.12448 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.12448 of 2025

and

W.M.P.Nos.13592 & 13596 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

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



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records relating to the impugned order passed by the third respondent in Na.Ka.No.15491/A4/2022 dated 03.01.2023 and the consequential proceedings issued by the fourth respondent DEO in O.Mu.No.3302/A2/2022 dated 30.06.2023, quash the same and further direct the third and fourth respondents to approve the appointment of Mr.M.Jebakumar as B.T.Assistant (Tamil) 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 03.01.2023 passed by the third respondent and the consequential proceedings dated 30.06.2023 on the file of the fourth respondent, thereby rejecting the proposal sent by the petitioner to approve the appointment of one M.Jebakumar as BT Assistant (Tamil) 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.

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3.The petitioner is a recognized minority School offering education from Standards VI to XII in the medium of instruction of Tamil and English. There are 32 teachers in the said School. As per the staff fixation for the academic years 2017-2018 and 2018-2019, five posts of BT Assistant (Tamil), were sanctioned. One D.John Dhayan, who was working as BT Assistant (Tamil), died on 08.01.2017. In the said vacancy, the petitioner appointed one M.Jebakumar as BT Assistant (Tamil) with effect from 01.06.2018, by order dated 01.06.2018. Thereafter, the proposal was forwarded by the petitioner for approval of the said appointment. However, the same was rejected on the ground that the post of BT Assistant (Tamil) had become surplus as on 01.08.2022. That apart, the proposal was sent only in the year 2022 for approval of appointment dated 01.06.2018.

4.A perusal of the counter affidavit filed by the respondents and the submissions made by the learned Special Government Pleader reveals that though the petitioner was sanctioned five posts as on 01.08.2018, based on the students strength as on 01.08.2022 for the academic year 2022-2023, only three posts of BT Assistant (Tamil) were found to be admissible. As



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per G.O.Ms.No.151, School Education Department, dated 09.09.2022, the powers are delegated to the third respondent for the approval of appointment of teachers and other staffs in Aided High Schools and Higher Secondary Schools. Hence, the proposal submitted by the petitioner was returned on the ground that no prior permission has been obtained from the third respondent to fill up the post of BT Assistant (Tamil). As per the staff fixation as on 01.08.2022, 15 posts of B.T.Assistants (Tamil) were surplus in Coimbatore District, including the petitioner's school.

5.A perusal of the records reveals that the petitioner was appointed in the vacancy arose as on 09.01.2017 to the post of BT Assistant (Tamil). Therefore, as on the date filling up the post of BT Assistant (Tamil), there was no surplus post in existence. Though the petitioner had forwarded the proposal for approval of appointment, the same was returned for want of queries on several occasions. Finally, it was rejected on 03.01.2023 by relying upon the provision under Section 35(2) of the Tamil Nadu Private Schools (Regulation) Act, 2018, which provides that no process for recruitment of teaching and non-teaching staff of any aided school shall be initiated without the prior permission of the competent authority. This



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provision has already been held to be inapplicable to the minority aided schools. That apart, the post was filled up in the sanctioned vacancy.

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 03.01.2023 passed by the third respondent is hereby quashed. The third respondent is directed to approve the appointment of M.Jebakumar as BT Assistant (Tamil) in the petitioner's School with effect from 01.06.2018 and to disburse the salary and all other attendant benefits with effect from the date of appointment, within a period of twelve weeks from the date of receipt of a copy of this order.

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

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Neutral citation :Yes/No
Index:Yes/No
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To

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Department of School Education,
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