



W.P.No.20978 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.20978 of 2025

N.Atheequ Ahmed

...Petitioner

-Vs-

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

2.The Chief Educational Officer,
Thirupattur.

3.The District Educational Officer,
Thirupattur,
Thirupattur District.

4.The Correspondent,
Anaikar Oriental (Arabic) High Secondary School,
M.C. Road,
Ambur, Thirupattur District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in O.Mu.No.396/Aa3/2025 dated 01.04.2025, and quash the same, and consequently direct the 2nd respondent accord approval to the appointment of the petitioner as a Night Watchman, in the 4th respondent School, with effect from 01.07.2024, with all consequently



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monetary benefits within a time frame and pass such further orders.

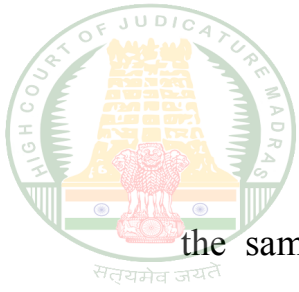
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For Petitioner : Mr.S.N.Ravichandran
For R1 to R3 : Mrs.Mythreye Chandra,
Special Government Pleader

ORDER

The instant writ petition has been filed with a prayer for issuing a Writ of Certiorarified Mandamus, calling for the entire record connected with the impugned order passed by the 3rd respondent in O.Mu.No.396/Aa3/2025 dated 01.04.2025 and quash the same, and consequently directing the 2nd respondent to accord approval to the appointment of the petitioner as a Night Watchman, in the 4th respondent School, with effect from 01.07.2024, with all consequential monetary benefits.

2. Learned counsel appearing for the petitioner would submit that a vacancy arose for the post of Night Watchman in the fourth respondent's school. He would further submits that, the said vacancy is a sanctioned post, and is reflected in the fixation of staff strength. The learned counsel would contend that the 4th respondent school is an aided religious as well as linguistic minority institution, and that they selected and appointed the petitioner as a Night Watchman vide an order dated 15.07.2024. Thereafter, petitioner also joined duty in the fourth respondent school on 15.07.2024. On



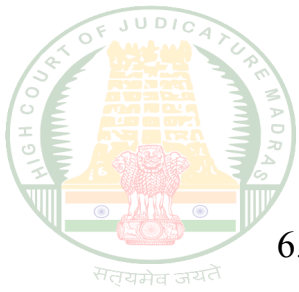
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the same day, the 4th respondent School submitted a proposal to the 2nd respondent seeking approval of the appointment along with all relevant documents. However, the third respondent, vide his proceedings in O.Mu.No.396/Aa3/2025 dated 01.04.2025, has rejected the grant of approval on the ground that the said post is excess.

3. It is the specific submission of the petitioner that the competent authority, to consider the proposal of the petitioner's appointment is the second respondent, and not the third respondent.

4. Learned counsel would further submit that, the ratio in **W.P.No.35182 of 2024 (I.Shayestha Jabeen, M.Sc., B.Ed., B.T.Assistant (Science), Hasnath-E-Jaria Girls Higher Secondary School, Jalal Road, Ambur – 635 802 Vs. The Director of School Education, College Road, Nungambakkam, Chennai – 600 006 and 3 others)** dated 03.12.2024 is applicable to the present facts of the case, as the facts of the instant case is identical with the above cited case.

5. Learned Special Government Pleader appearing for respondents 1 to 3 has conceded the above position.



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6. In this regard it is pertinent to refer the relevant portion of the order

relied on by the learned counsel for the petitioner in **W.P.No.35182 of 2024**

(I.Shayestha Jabeen, M.Sc., B.Ed., B.T.Assistant (Science), Hasnath-E-

Jaria Girls Higher Secondary School, Jalal Road, Ambur – 635 802 Vs.

The Director of School Education, College Road, Nungambakkam,

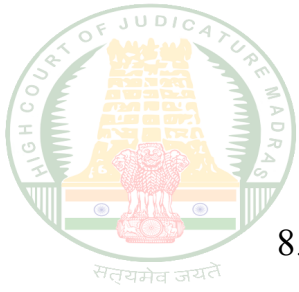
Chennai – 600 006 and 3 others). The same is as follows:

“4. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the impugned order has been passed by the 3rd respondent only on merits. Since the Competent Authority is 2nd respondent, the matter may be remanded back to the authorities concerned to pass appropriate orders on merits.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and this Court has perused the materials available on record carefully.

6. Considering the fact that the impugned order has been passed by the 3rd respondent, but the Competent Authority to grant approval for appointment of B.T.(Assistant) Teacher is 2nd respondent, the matter is remanded back to the 2nd respondent for fresh consideration and the 2nd respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of four(4) weeks from the date of receipt of a copy of this order.”

7. In an identical case, this Court remitted the matter back to the second respondent for fresh consideration



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8. In view of the same, the impugned order passed by the 3rd respondent in O.Mu.No.396/Aa3/2025 dated 01.04.2025 is set aside, and matter is remitted back to the second respondent for a fresh consideration according to its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition stands disposed of. No costs.

13.06.2025

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Index : Yes/No

Speaking/Non Speaking order

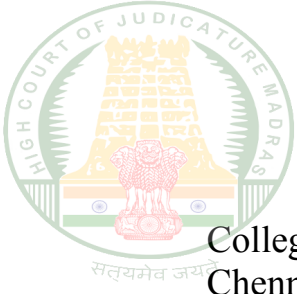
C.KUMARAPPAN, J.

cda

To

1.The Director of School Education,

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College Road,
Chennai – 600 006.

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