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W.P No.26607 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.26607 of 2025

and

Writ Miscellaneous Petition Nos.29913 & 29914 of 2025

Ms.K.Jerlin

... Petitioner

..Vs..

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

2.The Chief Educational Officer,
The Office of the Chief Educational Officer,
New Collectorate Campus,
Finger Post, Ooty,
Nilgiris District – 643 006.

3.The District Educational Officer (Secondary)
The Office of the District Educational Officer,
New Collectorate Campus,
Finger Post, Ooty
Nilgiris District - 643 006.

4.The Correspondent,
St.Mary's Girls' Higher Secondary School,
New Market, Kotagiri
Nilgiris District – 643 217.

... Respondents



W.P No.26607 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 05.11.2024 in O.Mu.No.3599/A5/2024, on the file of the 3rd respondent and quash the same, directing the respondents 1 to 3 to accord approval to the appointment of the petitioner Ms.K.Jerlin, working as Lab Assistant in the 4th respondent St.Mary's Girls' Higher Secondary School, New Market, Kotagiri, Nilgiris District – 643 217, w.e.f. 11.06.2024, with all monetary and other service benefits.

For Petitioner : Mr.A.Arul Mary

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader
for RR1 to 3

ORDER

The instant writ petition has been filed with a prayer for Certiorarified Mandamus to quash the impugned order dated 05.11.2024 in O.Mu.No.3599/A5/2024, on the file of the 3rd respondent and to direct the respondents 1 to 3 to accord approval to the appointment of the petitioner Ms.K.Jerlin, working as Lab Assistant in the 4th respondent St.Mary's Girls' Higher Secondary School, New Market, Kotagiri, Nilgiris District – 643 217, w.e.f. 11.06.2024, with all monetary and other service benefits.

2. The learned counsel for the petitioner submits that the 4th respondent institute is a Minority Government Aided Institution, and that, as per settled



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legal principles laid down in a series of judgments of this Court, prior approval from the authorities is not required when appointments are made to sanctioned posts. However, without considering these well-established legal principles, the respondents have rejected the petitioner's request and insisting the petitioner to obtain prior approval before appointing a Lab Assistant.

3. Per contra, the learned Special Government Pleader appearing for the respondents submits that the proposal was not rejected, but merely returned with a direction to obtain prior approval from the competent authorities. Therefore, he prays to dismiss the writ petition.

4. I have given my anxious consideration to either side submissions and also perused the materials available on record.

5. Though the learned Special Government Pleader contended that the prior approval is essential and fairly conceded that the appointment was made only to the sanction post.

6. At this juncture, the learned counsel for the petitioner would invite



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the attention of this Court about the Division Bench Judgment of this Court in

State of Tamil Nadu, Rep, by its Secretary, Department of Higher Education and Others vs. Principal and Secretary, St.Christopher's College of Education reported in ***2025 SCC Online Madras 1260*** wherein it has been categorically held that Government Aided Minority Institutions are not required to obtain prior approval from the authorities before making appointments.

7. Therefore, this Court is of the firm view that the return of the proposal vide order dated 05.11.2024 is in contravention to the settled legal position and hence the same is liable to be quashed. Accordingly, the respondents 1 to 3 are directed to accord approval for the appointment of the petitioner, Ms. K. Jerlin, who was working as a Lab Assistant in the 4th respondent school, within a period of four (4) weeks from the date of receipt of a copy of this order.

8. In the result, the writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are stand closed.



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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

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C. KUMARAPPAN, J.

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