



W.P.No.29301 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.29301 of 2025

R.Sankar

... Petitioner

Vs.

1.Director of School Education,
(Secondary Education)
College Road,
Chennai 600 006.

2.The Joint Director of School Education,
(Secondary Education)
College Road,
Chennai 600 006.

3.The Chief Educational Officer
Nagapattinam,
Tamilnadu.

4.The Correspondent
Ghouthia Higher Secondary School,
Thaikkal Street, Nagore,
Nagapattinam District,
Tamilnadu.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st Respondent to recognize the Petitioner's appointment dated 16.03.1998 and consider his request and to pay his salary, and other allowances from the period 16.03.1998 to 15.04.2018.



WEB COPY



W.P.No.29301 of 2025

For Petitioner

: Mr.A.Thiyagarajan

For R1 to R3

: Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Mandamus, directing the 1st Respondent to recognize the Petitioner's appointment dated 16.03.1998 and consider his request and to pay his salary, and other allowances from the period 16.03.1998 to 15.04.2018.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the petitioner served in the 4th Respondent-School from 16.03.1998 to 15.04.2018 as Secondary Grade Teacher. It is the further submission of the petitioner that the then District Collector, Nagapattinam, vide his Letter dated 28.02.2008 in DO/RC.No.12263/2007/RD.8 has required the



W.P.No.29301 of 2025

WEB COPY

Government to sanction atleast one post for the petitioner in the 4th Respondent-School. Though such order has been passed, it is the contention of the petitioner that he has not been regularised between the period 16.03.1998 to 15.04.2018. The learned counsel for the petitioner would further submit that he also filed writ petition in W.P.No.23670 of 2008, wherein this Court vide order dated 21.02.2018, directed to approve the petitioner's posting prospectively from the date of the vacancy occurred in the 4th Respondent-School.

5. At this juncture, the learned Special Government Pleader appearing for the respondents 1 to 3 would invite the attention of this Court about the proceedings of the Chief Educational Officer, Nagappattinam, dated 05.11.2019 in Na.Ka.No.878/A2/2018 by and in which the petitioner was regularised on 16.04.2018. However, the petitioner has approached this Court suppressing all the material facts.

6. I have given my anxious consideration to the submissions made on either side.

7. In order to decide the submissions made by the learned counsel for



W.P.No.29301 of 2025

WEB COPY

the petitioner, it is appropriate to extract Paragraph No.8 of the order passed by this Court in W.P.No.23670 of 2008, dated 21.02.2018:-

“8. Considering the fact that there is a serious dispute with regard to appointment of the petitioner against any sanctioned post and no specific material is produced before this Court indicating the appointment of the petitioner prior to the aforesaid surrender and also the proposal for approval was received prior to the post, but the petitioner appears to be continuing in the said School and the Management has taken a stand that he was appointed prior to surrender, so also, the post having been revised and the petitioner submits for a prospective approval when the vacancy occurred, this Court dispose of both the writ petitions with a direction to the 1st Respondent to make an enquiry examining the materials available on record and if it finds that the petitioner was in fact appointed against any sanctioned post prior to surrender of the same, to approve his appointment by re-deploying him in any other School if the post was not available in the School concerned and release the benefit or approved prospectively from a date the vacancy in the Respondent No.3-School as the petitioner is ready and willing for the same. However, it is made clear that the direction in this regard should not be construed as an expression of any opinion of this Court on the merit of the writ petition with regard to approval of appointment. The aforesaid decision shall be taken by the 1st respondent within a period of two months from the date of receipt of copy of this order.”

8. As per the above order, it was only a direction to consider the



W.P.No.29301 of 2025

WEB COPY

petitioner's claim prospectively and for which the petitioner has also agreed before this Court. Therefore, having agreed before this Court to have the benefit prospectively, the petitioner cannot seek for a regularisation with effect from his date of initial appointment namely between 16.03.1998 to 15.04.2018. Therefore, this Court does not find any merits in the present writ petition.

9. In the result, the Writ Petition is dismissed. No costs.

06.08.2025

Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm
To

1. Director of School Education,
(Secondary Education)
College Road, Chennai 600 006.
2. The Joint Director of School Education,
(Secondary Education)
College Road, Chennai 600 006.
3. The Chief Educational Officer
Nagapattinam, Tamilnadu.



WEB COPY



W.P.No.29301 of 2025

C.KUMARAPPAN, J.

dm

W.P.No.29301 of 2025

06.08.2025