



WEB COPY



W.P. No.38220 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. No.38220 of 2025
and WMP.No.42715 of 2025

Aided Elementary School,
Rep.by its Secretary/Manager,
R.Jeganathan,
Sinthagampoondi Village,
Malemalaiyanoor Taluk,
Villupuram District

... Petitioner

VS.

1. The District Educational Officer,
Office of the District Educational Officer,
Villupuram District.

2. The Block Educational Officer,
Office of the Block Educational Officer,
Malemalaiyanoor Taluk,
Villupuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings issued by the 1st respondent in Oo.Mu.No.01284/Aa4/2025 dated 27.05.2025, as confirmed by the 2nd respondent on 10.06.2025 vide Oo.Mu.No.1082/A3/2024 and to quash the same as illegal, incompetent, arbitrary and without jurisdiction and consequently



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direct the respondents to approve the appointment of Ms.Sangeetha as Secondary Grade Teacher in the petitioner-school with effect from 14.08.2023 with all attendant benefits including salary and service continuity.

For petitioner : Mr.S.Arivazhagan

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

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ORDER

Mrs.S.Mythreye Chandru, learned Special Government Pleader takes notice for the respondents. With the consent of learned counsel for the petitioner and learned Special Government Pleader for the respondents, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned proceedings issued by the 1st respondent in Oo.Mu.No.01284/Aa4/2025 dated 27.05.2025, as confirmed by the 2nd respondent on 10.06.2025 vide Oo.Mu.No.1082/A3/2024 and to quash the same as illegal, incompetent, arbitrary and without jurisdiction and consequently direct the respondents to approve the appointment of Ms.Sangeetha as Secondary Grade Teacher in the petitioner-school with effect



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from 14.08.2023 with all attendant benefits including salary and service continuity.

3. The case of the petitioner is that there was a vacancy in the post of Headmaster due to the death of one R.Lakshmi on 05.07.2021. The petitioner school made a requisition to fill up the post of Headmaster based on seniority. The 1st respondent, by proceedings dated 10.03.2022 granted permission to fill up the post based on seniority in the light of the recommendation of the 2nd respondent. One Vijayalakshmi was promoted as Headmaster on 14.03.2022 as she had requisite qualification for the post of Headmaster. Accordingly, she is working as Headmaster from the date of her appointment on 14.03.2022. Her appointment was duly approved by the 1st respondent. While so, there arose another vacancy for the post of Secondary Grade Teacher on account of the promotion of then incumbent. In order to fill up the vacancy, the school committee convened a meeting and passed a resolution to fill up the vacancy for the post of Secondary Grade Teacher. As such, on 10.05.2022, a proposal was sent to the 1st respondent to grant permission to fill up the post of Secondary Grade Teacher. However, there was no response despite several reminders. On 14.02.2023, the 1st respondent issued a communication by returning the proposal



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no provision for appointment of the secondary grade teacher without prior permission from the respondents. Finally on 10.06.2025, the 2nd respondent upheld the order of the 1st respondent dated 27.05.2025 and the proposal forwarded by the petitioner was returned back to the school. Hence, the petitioner school has approached this Court by filing this writ petition.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Learned counsel for the petitioner submitted that the respondents have rejected the application seeking for approval of teacher without any basis.

7. Per contra, the learned Special Government Pleader appearing for the respondents submitted that the petitioner is an Aided School and as per the proviso to Rule 28 (7) of the Tamil Nadu Private Schools (Regulation) Rules, 2023, the petitioner ought to have sought prior permission from the competent authority before appointing a teacher. Whereas in the case of Sangeetha, the petitioner has not obtained prior permission as required under proviso to Rule



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28 (7) of the Tamil Nadu Private Schools (Regulation) Rules, 2023. If the petitioner school complies with the requisite provision, its application will be considered in accordance with law.

8. Recording the submissions made by the learned Special Government Pleader, this writ petition stands closed with liberty to the petitioner to apply for permission as required under proviso to Rule 28 (7) of the Tamil Nadu Private Schools (Regulation) Rules, 2023. No costs. Consequently, miscellaneous petition is also closed.

13.10.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
dpq

A.D. JAGADISH CHANDIRA, J.

dpq



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To

1. The District Educational Officer,
Office of the District Educational Officer,
Villupuram District.

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Office of the Block Educational Officer,
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