



W.A.No.2009 of 2025

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**THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 03.07.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR.JUSTICE K.SURENDER**

**W.A.No.2009 of 2025  
and  
C.M.P.No.15122 of 2025**

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

2.The Chief Educational Officer,  
Chennai Educational District,  
Egmore, Chennai - 600 008.

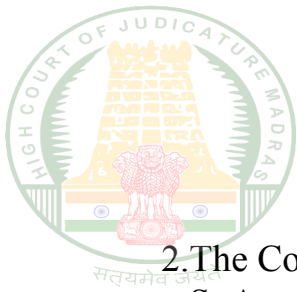
3.The District Educational Officer,  
Chennai East,  
Chennai - 600 094.

...

Appellants

***versus***

1.D.Albina Mary,  
D/o. A.Don Bosco,  
Sweeper, St.Anne's Girls Hr. Sec. School,  
115/50, Mannarsamy Koil Street,  
Royapuram, Chennai - 600 013.



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2. The Correspondent,

St. Anne's Girls Hr. Sec. School,  
115/50, Mannarsamy Koil Street,  
Royapuram, Chennai - 600 013. ...

Respondents

**Prayer:** Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.15965 of 2020 dated 26.09.2023.

For Appellants : Mr.UM.Ravichandran  
Special Government Pleader

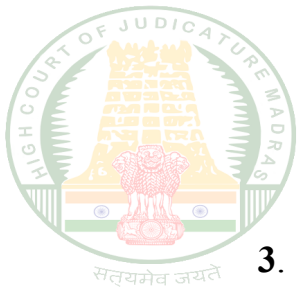
For Respondents : Mr.R.S.Anandan - R1

### **J U D G M E N T**

(Judgment of the Court was made by ***R.SUBRAMANIAN, J.***)

Challenge in this appeal is to the order of the learned single Judge made in W.P.No.15965 of 2020 dated 26.09.2023.

2. The first respondent was appointed as a Sweeper on 02.12.2013 in the vacancy that arose due to the retirement of the incumbent, Mrs.F.Margaret. The School sought for approval of the appointment by its application dated 02.04.2018. Since no orders were passed, the first respondent had moved this Court seeking a mandamus directing the authorities to approve her appointment.



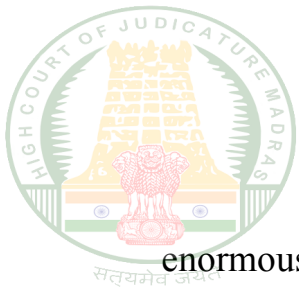
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3. The claim was resisted by the Government, contending that the School has not obtained prior approval for the appointment and therefore, it cannot be approved. The law relating to the prior approval, particularly by a minority institution, is very well settled by the Division Bench of this Court in ***The Director of School Education, Chennai and 2 others Vs. S.Murugan and another dated 07.01.2021***, to which one of us (*R.Subramanian, J.*) was a party. It has been categorically held that no prior approval is required where a minority institution seeks to fill up a sanctioned post.

4. Reliance was also placed on the subsequent G.O.(Ms.)No.64 School Education Department dated 03.04.2018 fixing the staff strength. The writ court had rightly held that both the contentions were not available and directed approval to be granted with effect from the date of the original appointment, namely 02.12.2013. The writ court also directed salary to be paid along with interest. Aggrieved, the State is on appeal.

5. Mr.UM.Ravichandran, learned Special Government Pleader appearing for the appellants would vehemently contend that there was an



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enormous delay on the part of the School in seeking approval, therefore the

learned single Judge was not right in directing the payment of salary with interest.

He would also submit that the delay would disentitle the first respondent from claiming salary from the period prior to the date on which the approval was sought for.

6. No doubt there is some delay on the part of the Management. The first respondent cannot be blamed for the delay. Moreover, an application that was received on 02.04.2018, was not disposed of till 2020. Even after the filing of the writ petition, the same was resisted on the ground that the approval could not be granted for various wrong reasons.

7. We therefore do not think that the argument on the ground of delay is available to the appellants. However, we find that the direction to pay interest from the year 2013 is a little onerous. *We therefore clarify that the interest will be payable on the arrears of the salary from 02.04.2018 and not for the earlier period. We quantify the interest at 6% per annum.*

8. With the above modifications, this Writ Appeal is **disposed of**. The appellants are directed to comply with the orders of the writ court as modified by



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us within a period of twelve (12) from the date of receipt of a copy of this order.

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No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (K.S., J.)  
03.07.2025

Non-Speaking order

Index : No

Neutral Citation : No

sri

To

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