



WEB COPY



W.A.No.3733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM :

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HON'BLE MR.JUSTICE K.SURENDER

W.A.No.3733 of 2024
and C.M.P.No.29466 of 2024

P.Suresh

.. Appellant

VS

1.The Director of School Education,
The Educational Directorate,
D.P.I. Compound,
College Road, Egmore,
Chennai-600 006.

2.The Director of Matriculation Schools,
Directorate of School Education,
D.P.I. Compound,
College Road, Egmore,
Chennai-600 006.

3.The Government of Tamil Nadu,
rep. by Secretary to Government,
Department of Education,
Fort St. George,
Chennai-600 009.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2024 passed by the learned Single Judge in W.P.No.4792 of 2020.



W.A.No.3733 of 2024

WEB COPY

For Appellant : Mr.S.Nedunchezhiyan

For Respondents : Mr.UM.Ravichandran
Spl. Government Pleader

JUDGMENT

(Delivered by *R.SUBRAMANIAN, J.*)

Challenge is to the order of the writ court dated 24.10.2024 dismissing the writ petition filed by the appellant seeking a writ of certiorarified mandamus to quash the order dated 02.01.2020 in and by which his claim for regularisation was rejected. In support of his claim that he has been working in the Education Department as driver on a consolidated pay, the appellant has produced several certificates issued by various officers of the Education Department covering the period from 01.04.2001 to 24.10.2016. The veracity of these certificates is being disputed by the respondents.

2. Be that as it may, all the certificates show that honorarium that was paid to the appellant was paid out of the funds of the Parent-Teachers' Association. Upon being queried about the utilisation of the funds of the Parent-Teachers' Association for paying the honorarium to



W.A.No.3733 of 2024

a driver in the office of the District Educational Officer, learned Special Government Pleader had produced bye-laws of the District Parent-Teachers' Association. The objects of the Parent-Teachers' Association are set out in the bye-laws and sub-clause (5) of Clause 5 enables appointment of teachers and other servants **in the Schools** on consolidated salary. Therefore, this clause does not authorise expending of the funds of the Parent-Teachers' Association for payment of honorarium to drivers appointed by the District Educational Officers.

3. We had, by our order dated 25.06.2025, directed the Secretary, Department of School Education, to conduct an enquiry to find out as to whether such appointments have been made throughout the State. The Secretary, School Education Department, Dr.B.Chandra Mohan, I.A.S., has filed a report stating that at least 8 persons, including the appellant, were engaged as drivers and paid honorarium from and out of the Parent-Teachers Associations' funds amounting to Rs.8,47,080/-. It is also stated in the report that the said amounts have been collected from the respective officers, who had engaged them, and deposited to the respective accounts of the Parent-Teachers Associations.



W.A.No.3733 of 2024

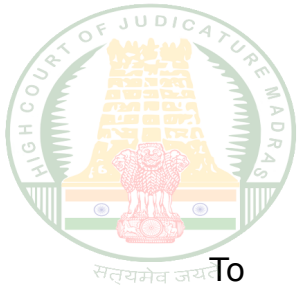
4. We direct the Principal Secretary, School Education Department, Government of Tamil Nadu, to issue a categorical Circular informing the District Educational Officers and other officers that they shall not utilise the funds of the Parent-Teachers' Association for the purposes other than those that are enumerated in the bye-laws.

5. Adverting to the claim of the appellant, we find that the appellant has been appointed by the District Educational Officer beyond the cadre strength as driver and he has been paid out of the funds of the Parent-Teachers' Association. His appointment itself is illegal and not irregular. Being illegal appointment, the same cannot be regularised. Hence, we are unable to find fault with the learned Single Judge for having dismissed the writ petition.

6. The writ appeal fails and it is, accordingly, dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
16.07.2025

Index : No
NC : No
bbr



W.A.No.3733 of 2024

To

WEB COPY

- 1.The Director of School Education,
The Educational Directorate,
D.P.I. Compound,
College Road, Egmore,
Chennai-600 006.
- 2.The Director of Matriculation Schools,
Directorate of School Education,
D.P.I. Compound,
College Road, Egmore,
Chennai-600 006.
- 3.The Secretary to Government,
Government of Tamil Nadu,
Department of Education,
Fort St. George, Chennai-600 009.

Copy to:

The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai-600 009.



WEB COPY



W.A.No.3733 of 2024

R.SUBRAMANIAN, J.
AND
K.SURENDER, J.

bbr

W.A.No.3733 of 2024

16.07.2025