



W.A.(MD)No.603 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.A.(MD)No.603 of 2023

and

C.M.P.(MD)No.5626 of 2023

1.The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

2.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Appellants / Respondents

-Vs-

Rajah's Higher Secondary School,
Rep. by its Secretary,
Ramanathapuram-623 501,
Ramanathapuram Districtl.

... Respondent / Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 06.09.2022 made in W.P.(MD)No.16670 of 2019 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader



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W.A.(MD)No.603 of 2023

For Respondent : Mr.E.V.N.Siva

JUDGMENT

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

This Writ Appeal is directed against the order dated 06.09.2022 made in W.P.(MD)No.16670 of 2019 on the file of this Court.

2.The case of the writ petitioner is that the Management appointed one Ganga as Post Graduate Assistant (English) and submitted a proposal to the 1st appellant, seeking approval of her appointment. However, the proposal was returned and approval was denied by the 1st appellant, vide order dated 17.07.2019. Challenging the same, the writ petitioner filed the said Writ Petition.

3.The writ Court, after perusing the materials available on record, allowed the Writ Petition, directing the appellants to approve the appointment of the writ petitioner. Challenging the same, the appellants filed this appeal on the ground that the said Ganga has undergone the post graduate degree and under graduate degree in two different subjects, which is against the norms prescribed under G.O.(Ms)No.361, School Education Department, dated 31.12.1999.



W.A.(MD)No.603 of 2023

WEB COPY

4.The issue involved in this appeal is already decided by this Court in the case of *The Director of School Education, College Road, Chennai-6 and others Vs. Geldon Wifred Viola and another* reported in *2009 (2) TLNJ 101*, where the Division Bench of this Court held that the said Government Order is only applicable to the teachers, who are working in the Government Schools and it is not applicable to the teachers, who are working in private schools and they are governed only by the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules framed therein. Therefore, the said Government Order is not applicable to the present case on hand. Considering the said aspect, the writ Court has rightly allowed the case of the writ petitioner. Therefore, we are not inclined to interfere with the order of the writ Court. Accordingly, this Writ Appeal is dismissed. The appellants are directed to comply with the order of the writ Court within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [L.V.G., J.]
10.02.2025

NCC : Yes / No
Index : Yes / No

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Page 3 of 4



WEB COPY



W.A.(MD)No.603 of 2023

J.NISHA BANU, J.
AND
L.VICTORIA GOWRI, J.

Yuva

W.A.(MD)No.603 of 2023

10.02.2025