



W.A(MD)No.259 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.259 of 2024
and
C.M.P(MD)No.2316 of 2024**

- 1.The Director of School Education,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil – 629 001.
- 3.The District Educational Officer (Secondary),
Nagercoil,
Kanyakumari District.

... Appellants /
Respondents 1 to 3

Vs.

- 1.N.Ayyappan
- 2.The Secretary,
S.M.R.V.Higher Secondary School,
Vadasery,

... 1st Respondent /
Writ Petitioner



W.A(MD)No.259 of 2024

Nagercoil – 629 001,
Kanyakumari District.

... 2nd Respondent /
4th Respondent

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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 26.09.2023 made in W.P(MD)No.20345 of 2023 and allow the Writ Appeal.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : Mr.Xavier Rajini for R.1

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The writ petitioner was appointed as Office Assistant in the fourth respondent School on 04.06.2018. G.O(Ms)No.238 which deals with the appointment of non-teaching staff came into force only on 13.11.2018. It is not in dispute that the appointment was made against a sanctioned vacancy. The only reason for not approving the appointment was that prior permission was not taken. It is well settled that prior permission is not required for the appointment of non-teaching staff. Our attention is drawn to the order dated



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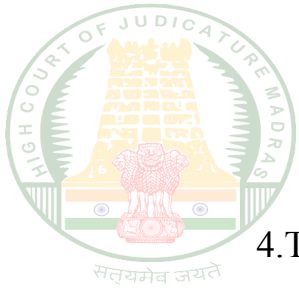
24.06.2025 in W.A(MD)Nos.324 and 462 of 2024. Paragraphs 5 and 6 of the

WEB COPY order of the learned single Judge read as follows:

“5.The grounds raised in the Writ appeal are that the school did not obtain any prior permission from the Chief Educational Officer; the interview was held for the selection of Sweeper and Record Clerk on 09.02.2018 but the Headmaster signed in the interview report on 19.12.2019 after 18 months. Further the posts had fell vacant on 01.06.2010 but the school committee filled the vacancy during the year 2018 after 7 years without passing the resolution in the Committee to fill up such post of sweeper as per Tamil Nadu Private School Regulations Rules 1974.

6.Mr.D.Sadiq Raja, the learned Additional Government Pleader appearing for the appellant would submit that since the posts are non-teaching category, prior permission is necessary for the scrutiny to check as to whether the reservation for appointment is followed or not as per Rule 15(4) of Tamil Nadu Private School Regulations Rules, 1974.”

3.In this view of the matter, we are of the view that interference with the said order is not warranted. The order passed by the learned single Judge is confirmed.



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4.This Writ Appeal stands dismissed. There shall be no order as to costs.

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Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
21.07.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

The Secretary,
S.M.R.V.Higher Secondary School,
Vadasery,
Nagercoil – 629 001,
Kanyakumari District.



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