



W.P.(MD)No.3808 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.3808 of 2025

and

W.M.P.(MD).No.2741 of 2025

The Secretary,
Devangar Higher Secondary School,
Neeravi, Kamudhi Taluk,
Ramanathapuram District.

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Joint Director of School Education,
(Secondary Education),
College Road, Chennai-600 006.

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

4. The District Educational Officer,
(Secondary Education),
Ramanathapuram, Ramanathapuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent CEO in Pa.Mu.No. 8145/A6/2024 dated --.11.2024 and the consequential impugned proceedings of the fourth respondent DEO in Pa.Mu.No.5949/A4/2024 dated ---.12.2024 and quash the same further direct the third respondent Chief Educational Officer herein to forthwith accord prior permission to fill up the sanctioned vacancy of single post of Physical Education teacher in the petitioner's school namely, Devangar Higher Secondary School, Neeraavi.

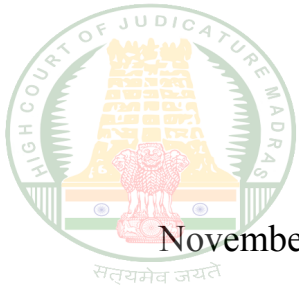
For Petitioner : M/s.A.Amala

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the material available on record.

2. It is an admitted fact that the sanctioned post of Physical Education Teacher in the petitioner's school is fell vacant with effect from 30.09.2022 and to fill up the said vacant post by direct recruitment, a proposal was submitted by the petitioner's school management on 07.10.2022 to the respondents. The said proposal was rejected by way of order of the third respondent in the month of



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November 2024, subsequent to the order passed by this Court on 11.09.2024 in

W.P.(MD).No.20403 of 2024. The reason stated in the said order is as per the

rules, the petitioner is not entitled to fill up the said vacancy by direct recruitment and it has to be filled up by the surplus teacher by the respondents.

Now, the respondents are contending that if the petitioner school is come forward to resubmit the proposal by refusing to grant permission to fill up the post of Physical Education Teacher as per Rule 28(2)(a) of TamilNadu Private Schools (Regulation) Act, 2018 and Rules 2023, the same would be considered.

3. On perusal of the facts of the case, it appears that the third respondent without filling the vacancy of Physical Education Teacher in the petitioner school from the year 2022, while rejecting the proposal of the petitioner school, wherein, it is sought for permission to fill up the vacancy on permanent basis. It is the duty of the third respondent to take steps to fill up the said vacancy which is declared as surplus. But, the third respondent did not chosen to do the same. The petitioner school is running for the last three years without Physical Education Teacher and it definitely affects the interest of the students who are studying in that school.



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4. In view of the above said reasons, this writ petition is disposed of with a direction to the third respondent to fill the vacancy of Physical Education Teacher in the petitioner's school forthwith by following the relevant Rules and due process of law.

5. With the above said observations, this writ petition is disposed of.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

07.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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BATTU DEVANAND, J.

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