



WP(MD). No.4557 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.11.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD)No.4557 of 2024

and

W.M.P.(MD)No.4389 of 2024

The Correspondent,
St.Joseph's High School,
Sarel,
Sarel Post – 629 203,
Kanyakumari District.

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
School Education Department,
Secretariat, Chennai – 9.
- 2.The Director of School Education,
College Road, Chennai – 6.
- 3.The Chief Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.



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4. The District Educational Officer,
Nagercoil – 629 001,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to its proceeding in Na.Ka.No.8641/A4/2023 dated 06.01.2024 and to quash the same and consequently directing the respondents to approve the appointment of S.Kalaiselvi as Office Assistant with effect from 04.05.2020 by considering the proposal re-submitted by the petitioner on 18.01.2024 and to disburse all monetary benefits ocnsequent to the same within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 3rd respondent dated 06.01.2024 and for a consequential direction to forthwith to approve the appointment of S.Kalaiselvi as Office Assistant with effect from 04.05.2020, by considering the proposal re-submitted by



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the petitioner on 18.01.2024 and to disburse all monetary benefits consequent to the same

2. The learned counsel for the petitioner submits that there are about 264 students studying in the school and one post of Office Assistant in the petitioner School fell vacant on 30.04.2020, in which place they had also appointed one S.Kalaiselvi with effect from 04.05.2020. A proposal had been sent to the fourth respondent on 21.09.2020, seeking approval of her appointment and to disburse the grant in aid.

3. The said proposal had been returned instructing the petitioner school to re-submit the proposal after obtaining additional information regarding certificate for permanent reorganization, charge of staff report it is mentioned as S.Kaliselvi instead of S.Kalaiselvi and also seeking to enclose the genuinity certificates of educational qualification.

4. He further submits that there is no surplus non-teaching staff available in the school for them to be re-deployed. That apart, he would



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submit that the post being a sanctioned post in which already grant in aid has been given and the new appointment has been made, it is incumbent on the part of the respondents to approve the same.

5. He further submits even if G.O.MS.No.238, dated 13.11.2018 is upheld, it will not affect the claim of the petitioner in the present case as the strength of the school is more than the maximum prescribed under G.O.MS.No.238.

6.The learned Additional Government Pleader on the other hand submits that the claim of the petitioner had not been rejected in its entirety. It has been withheld for the time being for further instructions from the Director of School Education and the petitioner school was only directed to re-submit the proposal after receipt of the instructions from the Head of the Department. Therefore, he would submit that there is no error in the order impugned and the petitioner can await for further orders from the Head of the Department.



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7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

8. A perusal of the records would indicate that the petitioner school is eligible for approval to the post of Office Assistant. All it envisages is that unless and until any further instructions is given by the Director of School Education, no orders could be passed. It further indicates that without the instruction from the Government, approval could not be granted to other teachers including the non-teaching staff.

9. Grant in aid had been provided to support the private educational institutions in the interest of the students. When grant in aid is accorded to a particular school, they are only entitled to collect minimum fees from the school.

10. Having admitted the eligibility to the petitioner for grant of approval as per the rules, it is not known as to how any instructions could be given contrary to the rules, either by the Head of the Department or by the Government.



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11. In such circumstances, this court finds no impediment for granting a positive direction to grant approval.

12. In such view of the matter, the following orders are passed:

- a. The impugned order dated 06.01.2024 is hereby set aside.
- b. The petitioner School shall resubmit the proposal within a period of two weeks from date of the receipt of a copy of this order.
- c. On receipt of the same, the third respondent shall grant necessary approval to the post of Office Assistant within a period of four weeks thereafter.
- d. On grant of approval, the necessary funds shall be released to the petitioner in respect of the post approved from the initial date of the appointment to the post of Office Assistant.

13. With the above directions, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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To

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- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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K.KUMARESH BABU, J

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