



WP(MD). No.7644 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 11/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.7644 of 2025
and WMP(MD). Nos.5796 and 5797 of 2025

C.M.J.D.Kennedy

... Petitioner

Vs

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

2.The District Educational Officer (Secondary),
Madurai, Madurai District.

3.The Correspondent,
St. Clarets Higher Secondary School,
Karumathur, Madurai District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus calling for
the records relating to the impugned order in O.Mu.No.7163/A2/2023
dated 16.10.2023 of the 2nd respondent herein and quash the same and



WP(MD). No.7644 of 2025

consequently direct the respondents 1 and 2 herein to approve the appointment of the petitioner as Office Assistant w.e.f 01.12.2019 with all other attended benefits.

For Petitioner : Mr. Pon Ramkumar T
Advocate.

For Respondents : Mr.M.Siddarthan
1 & 2 Additional Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in O.Mu.No.7163/A2/2023 dated 16.10.2023 of the 2nd respondent herein and quash the same and consequently direct the respondents 1 and 2 herein to approve the appointment of the petitioner as Office Assistant w.e.f 01.12.2019 with all other attended benefits.

2. Learned counsel for the petitioner would submit that the petitioner was appointed as an Office Assistant in the third respondent school with effect from 01.12.2019 in a sanctioned vacancy. A proposal had been sent by the third respondent school seeking approval of the



WP(MD). No.7644 of 2025

petitioner's appointment to the first respondent through the second respondent. It was orally informed by the second respondent that the appointment of the incumbent of the petitioner, one G.Pandi as Junior Assistant, was not approved and therefore the appointment of the petitioner could not be considered. Further, the third respondent school was directed to apply fresh approval, after the approval of the said G.Pandi was considered. Since, there was no response from the first and second respondents, on 30.12.2020, the third respondent school had sent a proposal to the second respondent through the first respondent. The approval of appointment of the said G.Pandi was granted on 11.12.2021. Thereafter, again on 25.03.2022, the third respondent resubmitted the petitioner's proposal to the first respondent through the second respondent. By proceedings dated 18.04.2022, the second respondent had refused to approve the appointment of the petitioner by citing that after the deployment process are completed as per G.O.Ms.No.238, School Education Department dated 11.11.2018, the proposal will be considered for the petitioner's appointment as Office Assistant in the third respondent school. Once again on 22.05.2023, a proposal was sent by the third respondent which was returned by the second respondent



WP(MD). No.7644 of 2025

pointing out certain defects and the same was rectified and submitted again on 22.08.2023. By the impugned proceedings in O.Mu.No. 7163/A2/2023 dated 16.10.2023, the second respondent had rejected the proposal citing the G.O.Ms.No.238. The apprehension of the petitioner is that the respondent quoting G.O.Ms.No.238, School Education Department, dated 11.11.2018, will hold that in view of the surplus vacancies in other schools, the respondent may not approve the appointment of the Office Assistant made by the petitioner. He would submit that the petitioner's school is a minority school and that the G.O.Ms.No.238 would not be applicable to the petitioner's school, as the same would related to a school with less than student strength of 250 students. Therefore, he prays this Court to grant direction to the respondents 1 and 2 to grant approval of the petitioner as Office Assistant.

3. Countering his argument, Mr.N.Satheesh Kumar, learned Additional Government Pleader would submit that the apprehension of the petitioner is wholly ill-founded. The petitioner's proposal had been returned for certain clarifications and if it is submitted the same would be



WP(MD). No. 7644 of 2025

considered as per the relevant provisions and Government Orders.

Therefore, the apprehension of the petitioner need not be a basis for considering the claim of the petitioner.

4. I have considered the submissions made by the learned counsel on either side.

5. Admittedly, the petitioner school is a minority school. Therefore, they are entitled to have an office assistant which is also a sanctioned post in the petitioner's school. It is also to be noted that the strength of the students in the school is more than 250 and even if the validity of the Government Order in G.O.238 is upheld, there can be no impediment in appointing an Office Assistant in the petitioner's school.

6. In view of the same, the writ petition stands allowed and the impugned order is set aside and the respondents are directed to grant approval of the proposal submitted by the third respondent for appointment of the petitioner as Office Assistant. Such exercise shall be carried out by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.



WP(MD). No.7644 of 2025

WEB COPY

6. With the above direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2025

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

pnn

To

- 1.The Chief Educational Officer,
Madurai, Madurai District.
- 2.The District Educational Officer (Secondary),
Madurai, Madurai District.



WEB COPY



WP(MD). No.7644 of 2025

K.KUMARESH BABU, J.

pnn

ORDER
IN
WP(MD) No.7644 of 2025

Date : 11/11/2025