



W.P.(MD)No.9478 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9478 of 2025

The Amir Jamal Higher Secondary School,
Represented by its Correspondent,
Idyankulam,
Padmaneri Post,
Tirunelveli District.

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 to approve the appoint of one T.Elavarasan as an Office Assistant in the petitioner school, on the basis of the proposal submitted by the petitioner school on 01.11.2023 and disburse the grant - in - aid towards his salary and allowance with effect from the date of the appointment of T.Elavarasan on 03.10.2023.



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For Petitioner : Mr.E.Mareeskumar

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 2 and 3 to approve the appoint of one T.Elavarasan as an Office Assistant in the petitioner school, on the basis of the proposal submitted by the petitioner school on 01.11.2023 and disburse the grant - in - aid towards his salary and allowance with effect from the date of the appointment of T.Elavarasan on 03.10.2023.

2. The petitioner is the minority education institution. One E.Selvaraj working in the petitioner School attained superannuation on 03.09.2023 and for the said vacancy, the school appointed one T.Elavarasan as an Office Assistant vide order, dated 03.10.2023. From that date, the appointee is working in the sanctioned vacancy. Subsequent to the appointment of the said person, the petitioner school sent a proposal to the respondents on 01.11.2023 seeking approval of the appointment of the said person. It is the case of the petitioner that all relevant documents, which is required for the approval of the

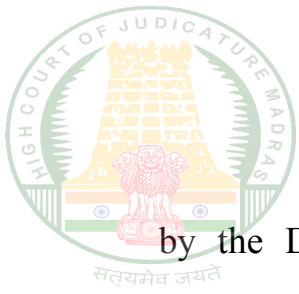


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appointment are enclosed with the proposal. But it was not considered till date by the respondents. Aggrieved by the inaction of the respondents in not granting approval by considering the proposal sent by the school on 01.11.2023, this writ petition is filed.

3. The learned Government Advocate for the respondents, on instructions, submits that the proposal of the petitioner school has been returned raising certain objections to the petitioner school. But the learned counsel for the petitioner submits that the proposal is not returned till date and they have not received any communication from the respondents 2 and 3.

4. The learned counsel for the petitioner submits that even as per the staff fixation order issued by the second respondent for the year 2023 a single post has been allocated based on the students strength, as the Office Assistant post when it is fell vacant, the petitioner fill that vacancy with one T.Elavarasan on permanent basis and to that effect seeking approval of the said appointment they sent proposal to the respondents on 01.11.2023. The learned counsel for the petitioner submits that the proposal sent by the petitioner has to be considered in the light of the judgment dated 29.10.2024 in W.A.No.3147 of 2024 passed



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by the Division Bench of this Court and the order, dated 15.12.2023 in

W.P.(MD)No.2974 of 2023 of this Court.

5. This Court perused the said order copies placed by the learned counsel for the petitioner before this Court. The identical issue was dealt with by the Division Bench of this Court. The relevant portion of the order is extracted herein under:

“17. In similar matters, (i) The Director of School Education and others v. DBTR National Higher Secondary School, W.A.No.42 of 2021, decided on 3.8.2021 and (ii) The Director of School Education and others v. St. Gabriel's Higher Secondary School, W.A.No.1645 of 2021, decided on 3.8.2021, a Division Bench of this Court negated the argument of the State that prior permission ought to have been obtained by the school before the appointment is made of any non-teaching staff and surplus staff should have been engaged in view of G.O.Ms.No.238. The decision rendered in the aforesaid two cases is squarely applicable to the case on hand. Thus, both the grounds raised by the appellants herein have already been decided by this Court. Therefore, in the absence of any specific rule or regulation mandating that prior permission is required for appointing a non-teaching staff in a sanctioned post, the appointment made by the respondent school cannot be faulted with and the learned Single Judge rightly quashed the orders impugned in the writ petition and



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directed the second appellant to approve the same within the stipulated period. We see no reason to interfere with the same.”

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6. While considering the similar issue, the learned Single Judge of this Court in W.P(MD)No.29974 of 2023 directed the third respondent therein to approve the appointment of the petitioner as Lab Assistant with effect from 03.06.2017 in case if the appointment is made within the staff fixation order for the academic year 2019-2020.

7. Considering the facts and circumstances of the case and the decisions of this Court stated supra, this Court intends to dispose of this writ petition with a direction to the second respondent to consider the proposal sent by the petitioner school on 01.11.2023 for approval of one T.Elavarasan as Office Assistant in their School with effect from 01.11.2023 in the light of the orders of this Court stated supra and disburse the grant in aid towards his salary and allowance to meet the ends of justice

8. The second respondent is directed to consider the proposal sent by the petitioner school on 01.11.2023 for approval of one T.Elavarasan as Office Assistant in their School with effect from 01.11.2023 in the light of the orders



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of this Court stated supra and disburse the grant in aid towards his salary and

allowance within a period of two weeks from the date of receipt of a copy of this order.

No costs.

07.04.2025

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

To:

- 1.The Director of School Education,
College Road,
Chennai 600 006.
- 2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
- 3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.



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BATTU DEVANAND, J.

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