



W.P.(MD).No.13154 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.13154 of 2019

and

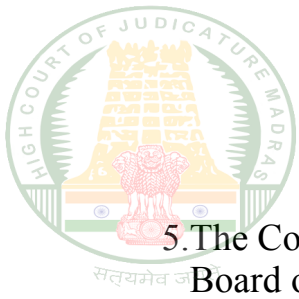
W.M.P.(MD).Nos.9796 and 9797 of 2019

R.Jeya Retna Shebha,
PG Assistant in Chemistry,
Ringle Taube Higher Secondary School,
Mylaudy-629 403,
Kanyakumari District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629 001.
- 4.The District Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.



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5. The Corporate Manager,
Board of School Education,
Corporate Management Schools,
C.S.I. Kanyakumari Diocese,
71-A, Dennis Street, Nagercoil,
Kanyakumari District.

6. The Correspondent,
Ringle Taube Higher Secondary School,
Mylaudy - 629 403,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.6652/A4/2018 dated 31.01.2019 demanding 6th respondent to get a certificate from the 5th respondent giving details that there is no surplus in the corporate management schools run by the C.S.I diocese School Management, quash the same and consequently direct the respondents 2 and 3 to approve the appointment of the petitioner in the post of PG Assistant (Chemistry) in the 6th respondent school from the date of initial appointment, with all consequential and attendant benefits including payment arrears of salary along with interest.

For Petitioner : Mr.C.Kishore

For R-1 to R-4 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R-5 & R-6 : No appearance



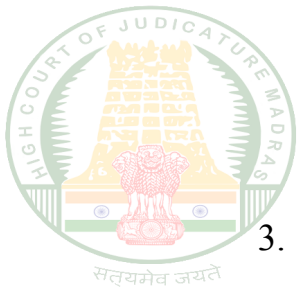
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ORDER

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The Writ Petition is filed challenging the impugned proceedings issued by the third respondent in Na.Ka.No.6652/A4/2018 dated 31.01.2019, demanding the sixth respondent to get a certificate from the fifth respondent giving details that there is no surplus in the corporate management schools run by the C.S.I diocese School Management and consequently, to direct the respondents 2 and 3 to approve the appointment of the petitioner in the post of PG Assistant (Chemistry) in the sixth respondent school from the date of initial appointment, with all consequential and attendant benefits including payment arrears of salary along with interest.

2. It is the case of the petitioner that he was appointed by the Management as a PG Assistant (Chemistry) on 01.06.2016 in the regular vacancy and when the approval application was submitted to the official respondents, instead of considering the same on merits and pass orders, they have returned the same stating that a certificate must be enclosed to the effect that there is no surplus teachers under the Corporate Management of the respondents 5 and 6. This return is sought to be quashed here by the appointee.

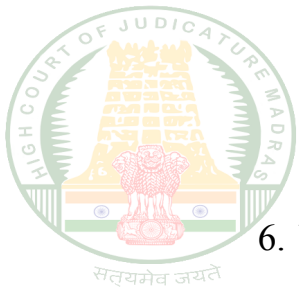


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3. Heard the learned counsels on either side and perused the materials available on record.

4. I am of the view that the petitioner is not entitled to challenge this order. In turn, the Management has to submit the clarification sought for by the official respondents. Admittedly, there is no record to show that whether the Management has submitted any reply to this impugned order dated 31.01.2019 and whether any order has been passed subsequently. Further, the Management has not come forward with any Writ Petition raising any grievance. Considering the same, the challenge with regard to the impugned return is premature and even if the Writ Petition is allowed, the petitioner could not automatically get the approval, since there are procedural aspects involved in approving the appointment.

5. In view of the above, it is appropriate to direct the School Management to give the reply to the impugned return and after receiving the reply, if any submitted by the Management, the respondents 3 and 4 are directed to consider and pass orders on merits and in accordance with the rules within a period of two (2) months from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands disposed of. There

shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District,
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K.RAJASEKAR,J.

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