



W.P.(MD)No.13460 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.13460 of 2025

and

W.M.P.(MD)No.9689 of 2025

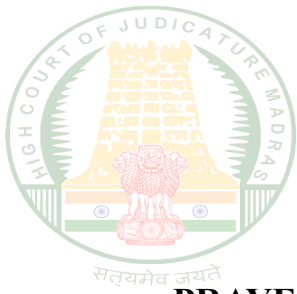
The Correspondent,
St. Joseph's High School,
Mulavilai, Veeyannoor - 629 177,
Kanyakumari District.

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 009.
- 3.The Chief Educational Officer,
Nagercoil - 629 001,
Kanyakumari District.
- 4.The District Educational Officer,
Marthandam - 629 165.
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd and 4th respondents to approve forthwith the appointment of Mrs.M.Johnny Mary Gilda as BT Assistant (Social Science) in the petitioner School w.e.f. 03.06.2019 with salary and all other attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

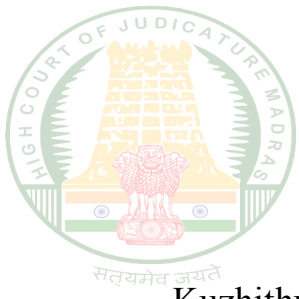
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 3 and 4 to approve forthwith the appointment of M.Johnny Mary Gilda as B.T. Assistant (Social Science) in the petitioner School w.e.f. 03.06.2019 with salary and all other attendant benefits.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

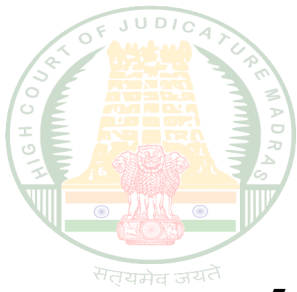
3. The learned counsel for the petitioner submits that the petitioner's school namely, St. Joseph's High School, Mulavilai, is a recognized and aided Minority Educational Institution administered by the Roman Catholic Diocese of



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Kuzhithurai. The institution has been lawfully functioning since its establishment as a Middle School in 1980 and its subsequent upgradation to a High School in 2001. Upon retirement of a regular B.T. Assistant (Social Science) A.Stella Bai, on 31.05.2019, a sanctioned vacancy arose. In the said vacancy, the school appointed a fully qualified candidate, M.Johnny Mary Gilda, as B.T. Assistant (Social Science) with effect from 03.06.2019, after following all due procedures.

4. The learned counsel further submits that a proposal for approval of the said appointment was duly submitted to the fourth respondent on 06.11.2019. However, the same was denied citing G.O.Ms.No.165, School Education Department dated 17.09.2019, which is not applicable to this appointment as the vacancy arose and the appointment was made prior to the said Government Order. Further, upon a request for re-submission made in August 2024, the petitioner's school promptly resubmitted the proposal on 16.10.2024 enclosing all required original documents. A reminder was also sent on 14.02.2025, but no further action has been taken by the respondent authorities. Therefore, the petitioner is constrained to approach this Court, seeking appropriate direction to approve the appointment of M.Johnny Mary Gilda.



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5. Heard both sides.

6. Considering the above said facts and circumstances of the case, there shall be a direction to the respondents 3 and 4 herein to consider the proposal submitted by the petitioner's School dated 16.10.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 3 and 4 to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

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To:-
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Department of School Education,
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VIVEK KUMAR SINGH, J.

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