



W.P.(MD)No.13857 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2025

CORAM

**THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE**

**W.P.(MD)No.13857 of 2020**

Sri Ramavilas Aided High School,  
Represented by its Secretary,  
Thennamanadu South Village-614 625,  
Orthanadu Taluk,  
Thanjavur District.

... Petitioner

Vs.

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

2.The District Educational Officer,  
Orthanadu,  
Thanjavur District.

3.The Secretary to Government,  
Education Department,  
Government of Tamil Nadu,  
Fort. St. George,  
Chennai - 600 009.

...Respondents

(Respondent No.3 *suo motu* impleaded vide Court Order dated 19.02.2024 in W.P.(MD).No.13857 of 2020)

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to



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the impugned order in Na.Ka.No.1792/A4/2020 dated 07.08.2020 of the first respondent herein and the consequential impugned order passed by the second respondent in his proceedings in O.Mu.No.299/A3/2020 dated 22.09.2020 and quash the same and consequently direct the respondents herein to give prior permission to fill up the BT Assistant (Mathematics) in the petitioner / school.

For Petitioner : Mr.T.Ponramkumar

For R-1 to R-3 : Mr.S.Shaji Bino,  
Special Government Pleader

### **ORDER**

This writ petition has been filed challenging the impugned order dated 07.08.2020 passed by the first respondent and the consequential impugned order dated 22.09.2020 passed by the second respondent, rejecting the petitioner's request seeking for prior permission to fill up the post of B.T. Assistant (Mathematics) in the petitioner School on the ground that there are surplus teachers in the District.

3. The petitioner claims that they are a single-school management school. Hence, according to them, the impugned orders are arbitrary, illegal and have been passed by total non-application of mind. The petitioner also claims that being a sanctioned post, the petitioner's request for granting permission to



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appoint B.T. Assistant (Mathematics) Teacher ought to have been granted to the respondents, but, by total non application of mind, the impugned orders came to be passed by erroneously relying upon Section 26 of the Tamil Nadu Recognized Private School Regulation Act, 1973.

4. A counter-affidavit has also been filed by the second respondent reiterating the contents of the impugned order and also by reiterating the provisions of Section 26 of the Tamil Nadu Recognized Private School Regulation Act, 1973.

5. Admittedly, the petitioner School is a single-school management school. The management of the petitioner school is running only one school, viz., the petitioner / school herein. They claimed that the post for which the prior permission is sought for is a sanctioned post. Being a sanctioned post and that too when the petitioner is a single-school management school, their students cannot be made to suffer on account of lack of teachers on account of the surplus teachers available in the District concerned. The respondents have relied upon Section 26 of the Tamil Nadu Recognized Private School Regulation Act, 1973, for the purpose of rejecting the petitioner's request. However, the respondents have not applied their mind to the fact that the



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petitioner school is a single-school management school and they are seeking prior permission only in respect of a sanctioned post. The impugned orders have been passed without considering the necessity of the petitioner to appoint the subject teacher, viz., B.T. Assistant (Mathematics) in their school which they claim is a sanctioned post. The school and its students cannot suffer for lack of teachers that too when the School is a single-school management school.

6. Since the impugned orders have been passed without considering the necessity of the petitioner for appointing the subject teacher and without considering the fact that the post for which prior permission is sought for is a sanctioned post and the petitioner school is also a single-school management school, this Court is of the considered view that in the interest of justice, the impugned orders passed by the respective respondents dated 07.08.2020 and 22.09.2020 have to be quashed by this Court and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court after affording an opportunity to the petitioner to submit his explanation as to why the permission will have to be granted as prayed for by them for filling up the post of B.T. Assistant (Mathematics) in the petitioner school. The petitioner is directed to submit an explanation to the first respondent as to why permission will have to be granted



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to the petitioner school for filling up the post of B.T. Assistant (Mathematics)

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

On receipt of the said explanation from the petitioner within the stipulated time, the first respondent shall pass final orders on merits and in accordance with law after considering the petitioner's explanation within a period of twelve weeks thereafter.

7. With the aforesaid direction, the writ petition stands disposed of. No costs.

**10.11.2025**

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Chief Educational Officer,  
Thanjavur,  
Thanjavur District.
- 2.The District Educational Officer,  
Orthanadu, Thanjavur District.
- 3.The Secretary to Government,  
Education Department,  
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**ABDUL QUDDHOSE, J.**

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