



W.A(MD)No.1166 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1166 of 2020
and
C.M.P(MD)No.6350 of 2020**

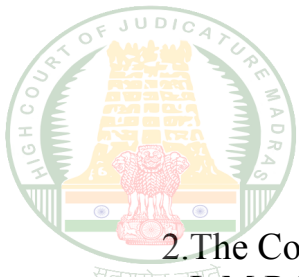
- 1.The State represented by
The Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District – 629 001.
- 4.The District Educational Officer,
Thuckalay – 629 175,
Kanyakumari District.

... Appellants /
Respondents 1 to 4

Vs.

1.S.Thambi Raj

... 1st Respondent /
Writ Petitioner



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2.The Correspondent,
L.M.P.C.Higher Secondary School,
Puthalam – 629 602,
Kanyakumari District.

... 2nd Respondent /
5th Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 03.12.2019 passed in W.P(MD)No.19712 of 2013.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The Government has filed this appeal questioning the order dated 03.12.2019 made in W.P(MD)No.19712 of 2013 filed by the first respondent herein.

2.The first respondent herein was appointed as a part-time sweeper in the year 1994. He was subsequently appointed as record clerk on 01.04.2003. Subsequently, he was appointed as Junior Assistant on 01.06.2004 in the vacancy caused by the retirement of one Gnana Deepam. During the relevant time, there was a ban on the appointment of non-teaching staff in aided institutions. The proposal for the approval of his appointment was submitted



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by the management. The District Educational Officer, Thuckalay vide proceedings dated 25.10.2007 approved the appointment of the first respondent herein with effect from 30.07.2007. For 6 long years, the first respondent herein remained silent. Thereafter, he filed W.P(MD)No.19712 of 2013 for directing the District Educational Officer, Thuckalay to approve his appointment as record clerk from 01.04.2003 to 31.05.2004 and as Junior Assistant from 01.06.2004 to 29.07.2007. The learned single Judge disposed of the writ petition in the following terms:

“7. Following the decision cited supra, this Court directs the third and fourth respondents to approve the appointment of the petitioner as Record Clerk from 01.04.2003 to 31.05.2004 and as Junior Assistant from 01.06.2004 to 29.07.2007 with all monetary benefits. The third and fourth respondents shall pass necessary orders in this regard within a period of four weeks from the date of receipt of copy of this order. The third and fourth respondents are further directed to pay the arrears of salary payable to the petitioner within four weeks thereafter.”

Aggrieved by the same, this Writ Appeal has been filed.

3. We have to interfere with the order passed by the learned single Judge for more than one reason. The writ petition was filed 6 years after the approval



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was granted by the District Educational Officer, Thuckalay. The writ petition was filed in the nature of writ of mandamus. The writ petitioner failed to challenge the approval proceedings dated 25.10.2007. Failure to challenge the approval order would operate against the appointee. When the competent authority had consciously approved the writ petitioner's appointment only with effect from 30.07.2007 and the said order is holding good, it was not open to the learned single Judge to direct the approval of appointment of the writ petitioner from an anterior date. The order passed by the learned single Judge is set aside.

4.This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
12.08.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

The Correspondent,
L.M.P.C.Higher Secondary School,
Puthalam – 629 602,
Kanyakumari District.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

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