



W.P.(MD)No.17247 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.17247 of 2025

and

W.M.P(MD)Nos.13132 & 13133 of 2025

M.Zahir Hussain,
Physical Director Grade-II,
Khajamian Higher Secondary School,
Khaja Nagar, Trichy-620 020,
Trichy District.

...Petitioner

Vs

1. The State of Tamilnadu
Rep 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
Thiruchirapalli District,
Trichy 620 008.

4. The District Educational Officer (Secondary)
Tiruchirapalli District
Trichy 620 001.

5. The Correspondent Cum Secretary
Khajamian Higher Secondary School,
Khaja Nagar, Trichy district. 620 020.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issue by the 3rd respondent Chief Educational Officer in Muu.Mu.No. 00595/A4/2023 dated 26.08.2023, quash the same and further direct the respondents herein to approve forthwith the promotion of Mr.M.Zahir Hussain as Physical Director Gr.II in the 5th respondent school w.e.f. the date of his original promotion viz., 01.10.2016, with all benefits including the arrears of salary and allowance.

For Petitioner : M/s.A.Mohamed Ashfalk
For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R5 : Mr.S.Ramanathan

ORDER

This writ petition has been filed challenging the proceedings issued by the 3rd respondent/Chief Educational officer in Muu.Mu.No. 00595/A4/2023 dated 26.08.2023 and further seeking consequential direction to the respondents herein to approve forthwith the promotion of Mr.M.Zahir Hussain as Physical Director Gr.II in the 5th respondent school w.e.f the date of his original promotion viz., 01.10.2016 with all benefits including the arrears of salary and allowance.



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2. The learned counsel for the petitioner would submit that the petitioner had been appointed as Physical Education Teacher in the 5th respondent school and his appointment was also approved by the authorities. While being so, in view of the voluntary retirement of the then incumbent, the post of Physical Education Director Grade-II fell vacant and the petitioner was promoted to the said post with effect from 01.10.2016. The 5th respondent school had sent a proposal to the authorities to approve the promotion of the petitioner. But, however by communication dated 16.06.2020, the proposal was returned and seeking certain particulars from the 5th respondent school. Aggrieved by the same, the petitioner had filed a writ petition in W.P.(MD).No.12614 of 2020. This Court by order dated 25.09.2020 had quashed the said proceedings and remitted back the matter to the respondents and directed to consider the proposal by verifying whether the petitioner has necessary qualifications and the appointment is made against the sanctioned vacancy. Thereafter, by communication dated 26.08.2023, the 3rd respondent have granted approval to the promotion of the petitioner only with effect from 01.04.2021. He further submits that the reasons attributed by the 3rd respondent is that on the date of promotion given to the petitioner the school was under the Direct Payment System



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and therefore there should not be any promotion granted by the school management. He submits that on 09.07.2018, the 4th respondent had approved the appointment of the 5th respondent as Correspondent cum Secretary to the school w.e.f 27.11.2015. As such, promotion was granted to the petitioner on 01.10.2016, is well within the powers of the 5th respondent. That apart, he would submit that it is the case of the respondents that the school is only under Direct Payment System and not direct management. Therefore, he would submit that the reasons attributed in not approving the promotion of the petitioner is unsustainable and prays this Court to set aside the order impugned in the writ petition.

3. Countering his argument, the learned Additional Government Pleader for the respondent Nos.1 to 4 would submit that the 5th respondent school was under the Direct Payment system there was no authority to mange the order of promotion and therefore the respondents have returned the proposal. Granting approval was right only from the date on which the direct payment system was withdrawn and the approval had been granted from 01.04.2021 in respect of the petitioner. Hence, he seeks to dismissal of the writ petition.



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6. Applying the same to the present facts of the case, the school management had granted promotion to the petitioner only because of the resignation/superannuation of the then Physical Education Director-Grade-II. In that place only, the petitioner who had been working as Physical Education Teacher has been promoted to the said post. Therefore, the reasons assigned by the respondents in the impugned order is liable to be interfered with.

7. In fine, the writ petition stands allowed, the order impugned in this writ petition is set aside. The respondents are directed to approve the promotion of the petitioner as Physical Education Director-Grade-II in the 5th respondent school with effect from 01.10.2016 along with all attendant benefits and pass appropriate orders in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

14.10.2025

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NCC:yes/no

Index:yes/no

Internet:yes/no

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WEB COPY

To:

1. 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
Thiruchirapalli District,
Trichy 620 008.
4. The District Educational Officer (Secondary)
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5. The Correspondent Cum Secretary
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K.KUMARESH BABU, J.

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