



W.A.(MD)No.1547 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.1547 of 2024

&

C.M.P.(MD)No.12152 of 2024

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

2.The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District.

... Appellants

-Vs-

1.M.Fazul Ashab

2.The Secretary and Correspondent,
The Muslim Higher Secondary School,
Melapalayam, Tirunelveli District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 15.11.2023 made in W.P.(MD)No.25619 of 2022 on the file of this Court.

For Appellant : Mr.J.Ashok,
Additional Government Pleader

For Respondents : Mr.E.Mareeskumar

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JUDGMENT

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

This Writ Appeal is directed against the order of this Court dated 15.11.2023 made in W.P.(MD)No.25619 of 2022.

2.The issue involved in this Writ Appeal with regard to the prior approval for upgradation, is already decided by this Court in W.A.(MD)No.1365 of 2024, dated 14.08.2024. The relevant portion of the said judgment is extracted hereunder:-

*“3.The question of prior approval for upgradation is no longer res integra. This Court in **Government of Tamil Nadu, Rep. by its Secretary to Government, Department of School Education, Madras and others vs. J.Remila and others** reported in **2018 (1) Writ Law Reporter 410**, has held that a minority institution does not require prior approval for upgradation of a post. The said view was affirmed by the another Division Bench of this Court in a recent judgment dated **29.02.2024** rendered in **W.A.(MD)Nos.1093 of 2023 and 630 of 2024** [The Government of Tamil Nadu, Rep. by its Secretary, Education Department, Chennai and others vs. Immaculate Arputha Mary Usha and others].*

4.The Writ Court has only taken note of the fact that there are no surplus teachers in the Management and that there is a



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vacancy. Therefore, we do not find any reason to interfere with the order of the Writ Court. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.”

3.Following the aforesaid order, this Writ Appeal also deserves to be dismissed. Accordingly, it is dismissed. No costs.

[J.N.B., J.] & [S.S.Y., J.]
24.03.2025

NCC : Yes / No
Index : Yes / No

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