



W.A(MD)No.1859 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.07.2025

CORAM

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

**W.A(MD)No.1859 of 2025
and
C.M.P(MD)No.10606 of 2025**

- 1.The Director of School Education,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District.
- 3.The District Educational Officer,
(Secondary Education),
Marthandam,
Kanyakumari District

... Appellants /
Respondents

Vs.

The Correspondent,
Yettacode Higher Secondary School,
Yettacode, Veeyannoor (Post),
Thiruvattar – 629 177,
Kanyakumari District.

... Respondent /
Writ Petitioner



W.A(MD)No.1859 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 19.03.2024 in W.P(MD)No.5959 of 2024 and allow the Writ Appeal.

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

For Respondent : Mr.Issac Mohanlal
Senior Advocate
for M/s.Isaac Chambers

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The Management of Yettacode Higher Secondary School appointed R.Libin as Junior Assistant on 03.04.2018. The proposal was submitted to the competent authority for approval. Since the proposal application was not being processed, the Management filed W.P(MD)No.5959 of 2024. The learned single Judge vide order dated 19.03.2024 disposed of the Writ Petition and directed the department to forthwith approve the appointment with all attendant benefits. Aggrieved by the same, this Writ Appeal has been filed by the department.

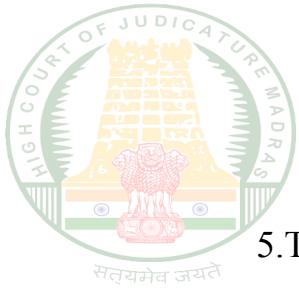


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WEB COPY 2. The prime ground of attack is that during the relevant time the school was under direct payment system.

3. We are not swayed by this objection. As rightly pointed out by the learned senior counsel appearing for the Management, only when a Special Officer is appointed under Section 34 of Tamil Nadu Recognised Private Schools (Regulations) Act, 1973 the management will get displaced and the power of appointment will be divested. But in the case on hand, no such Special Officer was appointed. Direct payment was ordered under the Annexure 3 Clause II. When direct payment is ordered, the salary payable to the staff of the school are disbursed through the Headmaster and not through the management. Except this, there is no other change and the management can continue to function as before.

4. In this view of the matter, we are not inclined to interfere with the order of the learned single Judge. The appellants undertake to comply with the order of the learned single Judge within a period of four weeks. Therefore, the personal appearance of the contemnor before the learned single Judge is dispensed with.



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5.This Writ Appeal stands dismissed. There shall be no order as to costs.

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Consequently, connected miscellaneous petition is closed.

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

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NCC : Yes / No

Internet : Yes / No

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MGA

To

The Correspondent,
Yettacode Higher Secondary School,
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and

K.RAJASEKAR, J.

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