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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.06.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.17610 of 2025**

Secretary,
MLWA Higher Secondary School,
9, Raja Mill Road, Maninagaram,
Madurai - 625 001. ... Petitioner

-vs-

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 009.

3.The Chief Educational Officer,
Madurai, Madurai District.

4.The District Educational Officer (Secondary Education),
Madurai - 625 002, Madurai District. ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent Chief Educational Officer herein to forthwith accord permission to fill up the single post of Office Assistant.



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For Petitioner : Ms.A.Amala

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

**ORDER**

This Writ Petition has been filed seeking a direction to the third respondent herein / the Chief Educational Officer, Madurai, to forthwith grant permission to fill up the single post of 'Office Assistant'.

**2**. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

**3**. The petitioner submits that M.L.W.A. Higher Secondary School, Madurai, established in 1951–1952 for the welfare of the children of workers of Madura Coats Mill, is currently administered by the Krishnan Education Charity Trust and is a recognized, fully aided school offering education from Standard VI to XII in both Tamil and English mediums, with 786 students presently enrolled. A sanctioned post of Office Assistant fell vacant on 01.02.2019 following the retirement of one A.Maia Juliar. The school appointed a fully qualified candidate, R.Brittoraj to the post on 15.02.2021 and submitted a proposal for approval to the



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Chief Educational Officer (CEO) on 16.02.2021. The CEO returned the proposal on 23.03.2021, prompting the school to file W.P.(MD)No.7778 of 2021, which was allowed by this Court on 15.04.2021. However, the Writ Appeal filed in W.A. (MD) No.1924 of 2021 was allowed on the ground that the individual had already left the post, rendering the issue infructuous. Subsequently, the Tamil Nadu Private Schools (Regulation) Act, 2018 and the Rules, 2023 came into force, mandating prior permission for filling up non-teaching posts. The sanctioned Office Assistant post, which was originally approved on 20.04.2014 in the staff fixation order, continues to remain vacant. In compliance with the new regulations, the school submitted a fresh proposal to the CEO through the DEO via Letter No.219/2023-2024, seeking prior permission to fill up the sanctioned vacancy. As the post remains vacant and no action has been taken, the petitioner has filed this Writ Petition, seeking a direction to the third respondent herein / the Chief Educational Officer, Madurai, to forthwith grant permission to fill up the single post of Office Assistant in accordance with law.

**4**. Heard both sides.



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**5**. Considering the facts and circumstances of the case, there shall be a direction to the third respondent to consider the proposal submitted by the petitioner's school dated 20.04.2024, along with the subsequent reminders dated 28.10.2024 and 27.05.2025, on its own merits and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.

**6**. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No **30.06.2025**
Index : Yes / No
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To:-

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.



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2.The Director of School Education,
College Road, Chennai - 600 009.

3.The Chief Educational Officer,
Madurai, Madurai District.

4.The District Educational Officer (Secondary Education),
Madurai - 625 002, Madurai District.



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**VIVEK KUMAR SINGH, J.**

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