



W.A(MD)Nos.1284 & 1285 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)Nos.1284 & 1285 of 2022
and C.M.P(MD)No.9972 of 2022

1.W.A(MD)No.1284 of 2022:

R.Rajesh Kanna

... Appellant/Writ Petitioner

Vs.

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

2.The Chief Education Officer,
Theni, Theni District.

3.The District Educational Officer,
Uthamapalayam, Theni District.

4.The Correspondent/Secretary,
Mohamed Fathima Girls High School,
Uthamapalayam - 625 533, Theni District.

5.M.Syed Ali Fathima,
Record Clerk,
Mohamed Fathima Girls High School,
Uthamapalayam - 625 533,
Theni District.

... Respondents/Respondents



W.A(MD)Nos.1284 & 1285 of 2022

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.6942 of 2019 dated 21.06.2022 on the file of this Court.

For Appellant : Ms.A.Amala

For Respondents : Mr.J.Ashok (R1 to R3)
Additional Government Pleader
: Mr.R.J.Karthick (R4)
: No appearance (R5)

2.W.A(MD)No.1284 of 2022:

R.Rajesh Kanna

... Appellant/Writ Petitioner

Vs.

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

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Mohamed Fathima Girls High School,
Uthamapalayam - 625 533,
Theni District.

... Respondents/Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.4917 of 2019 dated 21.06.2022 on the file of this Court.



W.A(MD)Nos.1284 & 1285 of 2022

For Appellant : Ms.A.Amala
For Respondents : Mr.J.Ashok (R1 to R3)
Additional Government Pleader
: Mr.R.J.Karthick (R4)

COMMON JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

Heard Ms.A.Amala, learned counsel for the appellant, Mr.J.Ashok, learned Additional Government Pleader for R1 to R3 and Mr.R.J.Karthick, learned counsel for R4. R5 is no longer in the employment of R4 School and there is no appearance on her behalf.

2.The appellant had filed W.P(MD)No.4917 of 2019 challenging communication dated 24.05.2011 issued by the District Educational Officer, returning the request of the School for approval of his appointment. He sought a consequential prayer for approval of his appointment as Record Clerk and for disbursal of all consequential benefits, including grant-in-aid towards salary and other attendant payments, with effect from the date of his appointment being 12.05.2011.

3.The second Writ Petition, W.P(MD)No.6942 of 2019 was filed challenging the appointment of R5 and rejecting the approval of



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appointment of the appellant as Record Clerk. The Writ Petitions were dismissed on multiple grounds.

4.Firstly, learned Judge was of the view that the Writ Petitions were hit by laches. Secondly, learned Judge notes that the original order of appointment of the appellant contained a rider to the effect that the appointment would be subject to approval. Thirdly, learned Judge notes that the appellant had not denied the fact that the appointment of the appellant was only on a contractual basis with consolidated pay. Fourthly, learned Judge notes that the procedure followed by the Management in appointment of R5 was proper and that a proposal had been sent seeking approval of his appointment.

5.Ms.Amala, learned counsel for appellant would reiterate the settled position that there was no necessity to obtain approval or prior permission for filling up a sanctioned post in a minority institution. None of the other learned counsel dispute this proposition. However, in the present case, there are some differences that require consideration.

6.The original appointment of the appellant was on 12.05.2011. The School had sought approval and that request had been returned by



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the authorities on 24.05.2011 seeking various particulars. Admittedly, the School did not re-present/reiterate the application with the required particulars, and hence, with the return on 24.05.2011 the avenue for approval stood closed as far as the appellant is concerned.

7.That apart, the appellant had admittedly been serving only on consolidated pay basis from 2011 onwards. We had sought the service particulars of the appellant and the original registers have been produced. It appears that a separate register has been maintained by the authorities showing the service of the appellant till 2019, albeit on temporary, consolidated pay and part-time basis. This is admitted by the appellant.

8.In the above circumstances, we do not see any avenue to interfere in the order of the writ Court. These writ appeals are hence dismissed. However, having regard to the fact that the appellant had served from 2011 to March 2019, for a period of about eight years, and since the management is in the process of filling up the post presently, the appellant is at liberty to putforth his candidature for the said appointment. The management will consider the candidature of the appellant and, if he satisfies all eligibility criteria, will give preference to



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him in the matter of selection. No costs. Consequently, connected

Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.,]
23.10.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
ps

To

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