



W.P.(MD)No.22004 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.22004 of 2025

and

W.M.P(MD)Nos.17099 & 17100 of 2025

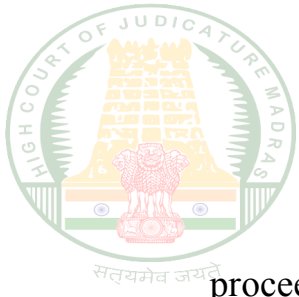
S.Seema

: Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
 2. The Chief Educational Officer,
Kanyakumari District,
Nagerkovil.
 3. The District Educational Officer (Secondary),
District Education Office,
Marthandam 629 165
Kanyakumari District.
 4. Pius Xi Higher Secondary School,
Thoothor 629 176
Kanyakumari District,
Rep by its Correspondent.
- : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent in Na.Ka.No.698/Aa1/2022 dated 05.11.2024 as communicated by the



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proceedings of 3rd respondent in Na.Ka.No.8057/A3/2024 dated 15.04.2025 and to quash the same and consequently directing the respondents to approve the appointment of petitioner in the sanctioned post of P.G.Assistant (Tamil) with effect from 12.06.2019 with all consequential and other attendant benefits, including payment of arrears of salary.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Vinodh (R1 to R3)

Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent in Na.Ka.No.698/Aa1/2022 dated 05.11.2024 as communicated by the proceedings of 3rd respondent in Na.Ka.No.8057/A3/2024 dated 15.04.2025 and consequently to direct the respondents to approve the appointment of petitioner in the sanctioned post of P.G.Assistant (Tamil) with effect from 12.06.2019 with all consequential and other attendant benefits, including payment of arrears of salary.



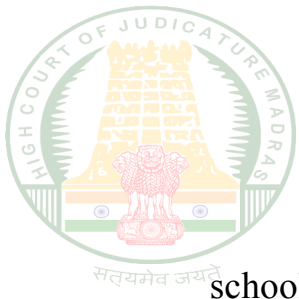
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2. Since no adverse order is proposed to be passed in this writ petition against the fourth respondent, notice is dispensed with and this writ petition is taken up for final disposal at the stage of admission itself.

3. The fourth respondent school is a religious minority government aided school sanctioned with teaching and non teaching posts. The petitioner was appointed as PG Assistant on 12.06.2019 and the fourth respondent school submitted a proposal seeking for approval of her appointment. However, the impugned orders have been passed stating that the appointment was made without granting promotion to the eligible teachers and that approval of appointment will be considered, only if it is made as per Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules ('aforesaid Rules'). Challenging the same, this writ petition came to be filed.

4. The learned counsel appearing for the petitioner would submit that as per the Rule 15(4) of the aforesaid Rules, if any eligible teachers are available in the fourth respondent school for promotion to the post of PG Assistants, they have to be considered. In the fourth respondent



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school, there are three eligible persons namely, S.Shanthi, Anitha and Suguna and they relinquished their promotions and therefore, the petitioner was appointed by direct recruitment. While the fact being so, refusing to grant approval is unsustainable one and accordingly, he prayed for quash of the impugned orders.

5. The learned Government Advocate appearing for the official respondents would submit that as per Rule 15(4) of the aforesaid Rules, if any eligible teachers are available in the fourth respondent school, they will be appointed as PG Assistants by way of promotion. Since there was a complaint to the Educational Authorities stating that the said relinquishment of promotion was obtained by the fourth respondent in force, the approval of appointment sought for by the fourth respondent was rejected. However, he would further submit that if any fresh proposal is forwarded with appearance of the aforesaid three teachers before the Educational Authorities, the same will be considered on merits and in accordance with law, after conduct of a proper enquiry.



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6. Considering the facts and circumstances of this case, this writ petition is dismissed with liberty to the fourth respondent to approach the official respondents along with a fresh proposal upon satisfaction of Rule 15(4) of the aforesaid Rules, along with three teachers, who are said to have relinquished their promotion. On such appearance, the respondents shall pass appropriate orders on merits and in accordance with Rule 15(4) of the aforesaid Rules and after conducting a proper enquiry. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.08.2025

Index : Yes / No

NCC : Yes / No

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M.DHANDAPANI, J.

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