



W.P.(MD)No.20980 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.20980 of 2021

and

W.M.P.(MD)No.17577 of 2021

I.Madhan

: Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Valliyoor,
Tirunelveli.

3.The Correspondent,
The Salvation Army Noble Memorial High School,
Valliyoor,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the



W.P.(MD)No.20980 of 2021

records relating to the impugned order of the first respondent in O.Mu.No.4464/A3/2020 dated 05.04.2021 and the consequential impugned order of the second respondent in O.Mu.No.1393/A5/2021 dated 02.08.2021 and quash both and consequently direct the respondents 1 & 2 to approve the appointment of petitioner as Office Assistant in the third respondent school and pay the salary and all service benefits within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam
For Respondents 1 & 2 : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 05.04.2021 passed by the first respondent and impugned order dated 02.08.2021 passed by the second respondent, rejecting the proposal sent by the third respondent school seeking to approve the appointment of the petitioner as Office Assistant in the third respondent school.

2.Under the impugned orders, on the ground of surplus teachers available in the third respondent school and its corporate



W.P.(MD)No.20980 of 2021

management schools, the proposal sent by the third respondent school seeking for approval of the appointment of the petitioner as a non-teaching staff has been rejected.

3. Learned Counsel for the petitioner would submit that contrary to the well settled law that even in cases of non-teaching staff in a minority institution, on the ground of surplus teachers in the corporate management of a minority institution, when in the subject school there is a vacancy and the post is a sanctioned post, the proposal seeking to approve the appointment of the non-teaching staff ought not to have been rejected. Therefore, according to him, the impugned orders are arbitrary and has been passed by total non-application of mind to the settled law.

4. Learned Counsel for the petitioner has also placed reliance on an order dated 15.10.2024 in W.P.(MD)No.22821 of 2024, in support of his contention.

5. Eventhough detailed counter affidavit has been filed by the second respondent denying the contentions of the petitioner, the said counter has not dealt with the decisions rendered by this Court involving minority institutions.



W.P.(MD)No.20980 of 2021

WEB COPY

6. Since the impugned orders are non-speaking orders with regard to the contentions of the petitioner as raised in this Writ Petition, the impugned order dated 05.04.2021 passed by the first respondent and the consequential order dated 02.08.2021 passed by the second respondent are hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law. The petitioner is directed to submit an explanation to the first respondent as to why the proposal sent by the third respondent seeking approval for the petitioner's appointment as a non-teaching staff has to be granted within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the said explanation, the first respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the petitioner's explanation, within a period of twelve [12] weeks, thereafter.



W.P.(MD)No.20980 of 2021

WEB COPY

7. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

30.10.2025

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



WEB COPY



W.P.(MD)No.20980 of 2021

To

1.The Chief Educational Officer,
Tirunelveli.

2.The District Educational Officer,
Valliyoar,
Tirunelveli.



WEB COPY



W.P.(MD)No.20980 of 2021

ABDUL QUDDHOSE., J.

MR

W.P.(MD)No.20980 of 2021

30.10.2025