



W.P.(MD)No.21159 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2025**

CORAM:

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

W.P.(MD) No.21159 of 2025

and

W.M.P.(MD)Nos.16349 and 16352 of 2025

R.Stanly Bai

: Petitioner

Vs.

- 1.The Director of School Education,
College Road, Chennai-600 006.
- 2.The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
- 3.The District Educational Officer (Secondary),
Marthandam, Kanyakumari District.
- 4.The Correspondent,
CSI VV Higher Secondary School,
Irenipuram-629 162,
Kanyakumari District.
- 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71-A, Dennis Street,
Nagercoil-629 001.

: Respondents



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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 proceedings issued by the third respondent District Educational Officer (Secondary), Marthandam in O.MU.No.726/A3/2022 dated 16.05.2024 quash the same and further direct the respondents to approve the appointment of petitioner as PG Assistant in Chemistry in the fourth respondent School, namely, CSI VV Higher Secondary School, Irenipuram, Kanyakumari District w.e.f., 01.12.2021 and disburse grant-in-aid towards her salary and other allowances.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.M.Sidharthan
Additional Government Pleader

ORDER

This writ petition is filed challenging the order of the third respondent dated 16.05.2024 and for a consequential direction to the respondents to approve the appointment of the petitioner as PG Assistant in Chemistry in the fourth respondent School, namely, CSI VV Higher Secondary School, Irenipuram, Kanyakumari District w.e.f., 01.12.2021 and disburse grant-in-aid towards her salary and other allowances.



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2.The petitioner was initially appointed as PG Assistant in Chemistry on 01.12.2021 in the vacancy caused due to the promotion of the then incumbent by the Corporate Management, CSI Corporate Schools. Thereafter, a proposal was forwarded seeking approval of the appointment of the petitioner. The third respondent returned the proposal stating that the appointment procedure under Rule 15(4) of the Tamil Nadu Recognized Private Schools (Regulations) Rules, 1974 was not followed scrupulously. Challenging the same, the present, writ petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner was appointed directly in the post of PG Assistant on the ground that no eligible person is available in the fourth respondent School to be promoted as PG Assistant. Further, the eligible persons have relinquished their right of promotion. Therefore, the petitioner was appointed in that post by way of direct recruitment. However, the third respondent refused to approve the appointment of the petitioner, which is not at all sustainable. Hence, he prays for appropriate orders.



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4.The learned Additional Government Pleader appearing for the official respondents, on instructions, submits that though it has been stated that there are no eligible candidates available in the feeder category and the eligible candidates have also relinquished their right of promotion, no documents with regard to the said contentions have been annexed with the proposal submitted to the third respondent. Hence, the proposal seeking approval of the petitioner was rejected.

5.Considered the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, the fourth respondent School being a minority aided School is entitled to fill up the vacancy arising on account of promotion, retirement, removal, dismissal against a sanctioned post. However, first preference is to be given to the qualified Teachers working in the school by way of promotion. If no other qualified persons employed in the same school are available, then appointment can be made from any other school and thereafter, by way of direct recruitment.



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7.In the present case, the petitioner was appointed as PG Assistant Chemistry in the fourth respondent School by way of direct recruitment as there are no other eligible candidates in the School. Though it is alleged that there is no other qualified Teacher working in the Corporate Management and the qualified Teachers have also relinquished their right of promotion, thereby, the petitioner was appointed by way of direct management, no documents were produced with respect to the said contention.

8.Considering the facts and circumstances of the case, this Court is of the view that it will be appropriate to direct the fourth respondent School to re-submit the proposal seeking approval of appointment of the petitioner along with all necessary particulars.

9.Accordingly, the fourth respondent School is directed to forward the proposal seeking approval of the appointment of the petitioner along with the list of eligible candidates in the Corporate Management fit for promotion to the post of PG Assistant and the persons, who had relinquished their promotional post forthwith. On receipt of the same,



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the third respondent is directed to conduct necessary enquiry by calling the persons, who have relinquished the promotional post of PG Assistant. If the enquiry reveals that the contentions put forth by the petitioner and the fourth respondent School are true, then the third respondent shall approve the appointment of the petitioner subject to the satisfaction of all other eligible criteria.

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

12.08.2025

Index : Yes / No
NCC : Yes / No

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To:-

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College Road, Chennai-600 006.
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Kanyakumari District at Nagercoil-629 001.



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M.DHANDAPANI, J.

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