



W.P.(MD).No.21584 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.21584 of 2024

and

WMP(MD).Nos.18240 and 18243 of 2024

A.Xavier Antony Jegan

...Petitioner

Vs

1. The Director of School Education
College Road
Chennai 600 006

2. The Chief Educational Officer
Kanyakumari District
Nagercoil 629 001

3. The District Educational Officer
(Secondary)
Nagercoil 629 001
Kanyakumari District.

4. The Correspondent
Carmel Higher Secondary School
Nagercoil 629 004
Kanyakumari District.

5. The Provincial and Chairman
Governing Boards
Jesuit Hr. Edu and Hr. Sec. Schools
Maduralaya, Besehi Campus
P.B. No.90, Dindigul 624 001.

... Respondents

*(R5 is Suo Motu impleaded vide court order dated. 27.09.2024 in WP(MD).Nos.20819
21209 and 21583 to 21585/2024 by RVJ)*



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent District Educational Officer(Secondary) in M.Mu.No. 3010/A4/2023 dated 26.07.2023 quash the same and further direct the respondents to approve the appointment of the petitioner as Office Assistant in the 4th respondent school w.e.f 10.01.2023 with all attendant benefits including arrears of salary and allowances and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. S. Xavier Rajini
For Respondents: M/s.N.Satheesh Kumar,
Additional Government Pleader
For R1 to R3
M/s.K.Ragatheesh Kumar
For R4 & R5

ORDER

This writ petition is filed challenging the impugned proceedings issued by the 3rd respondent District Educational Officer(Secondary) in M.Mu.No.3010/A4/2023 dated 26.07.2023 and seeking consequential direction to the respondents to approve the appointment of the petitioner as Office Assistant in the 4th respondent school w.e.f 10.01.2023 with all attendant benefits including arrears of salary and allowances.



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2. The learned counsel for the petitioner would submit that the petitioner was appointed as an Office Assistant in the 4th respondent school with effect from 10.01.2023 in a sanctioned vacancy due to the retirement of the then incumbent. A proposal had been sent by the 4th respondent school seeking approval of the petitioner's appointment to the second respondent through the third respondent. The said proposal was returned and directed the school management to furnish particulars regarding the details of surplus in other schools run by the 4th respondent management. Thereafter, again on 03.08.2023, the 4th respondent school resubmitted the proposal to the third respondent. But, however, the respondents had refused to approve the appointment of the petitioner by citing that after the deployment process are completed as per G.O.Ms.No.238, School Education Department dated 11.11.2018, the proposal will be considered for the petitioner's appointment as Office Assistant in the 4th respondent school. The apprehension of the petitioner is that the respondents quoting G.O.Ms.No.238, School Education Department, dated 11.11.2018, will hold that in view of the surplus vacancies in other schools, the respondents may not approve the appointment of the petitioner as Office Assistant made by the 4th respondent. He would submit that the 4th respondent's school is a



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minority school and that the G.O.Ms.No.238 would not be applicable to the 4th respondent's school, as the same would relate to a school with less than student strength of 250 students. Therefore, he prays this Court to grant direction to the respondents 1 to 3 to grant approval of the petitioner as Office Assistant.

3. Countering his argument, Mr.N.Satheesh Kumar, learned Additional Government Pleader would submit that the apprehension of the petitioner is wholly ill-founded. The 4th respondent's proposal had been returned for certain clarifications and if it is submitted the same would be considered as per the relevant provisions and Government Orders. Therefore, the apprehension of the petitioner need not be a basis for considering the claim of the petitioner.

4. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

5. Admittedly, the 4th respondent school is a minority school. Therefore, they are entitled to have an office assistant which is also a sanctioned post in the said school. It is also to be noted that the strength



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of the students in the school is more than 250 and even if the validity of the Government Order in G.O.238 is upheld, there can be no impediment in appointing an Office Assistant in the petitioner's school.

6. In view of the same, the writ petition stands allowed and the impugned order is set aside and the respondents 2 & 3 are directed to grant approval of the proposal submitted by the fourth respondent school for the appointment of the petitioner as Office Assistant. The said exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

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

13.11.2025

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NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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K.KUMARESH BABU, J.

gvn

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