



W.P(MD)No.22141 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.22141 of 2025

The Correspondent
St.Mary's Higher Secondary School
Melpalai – 629 152
Kanyakumari District.

... Petitioner(s)

vs.

1. The Secretary to Government,
School Education Department,
St. George Fort,
Chennai.

2. The Commissioner of School Education,
DPI Campus, College Road,
Chennai-600 006.

3. The Chief Educational Officer,
Kanyakumari District,at Nagercoil.

4. The District Educational Officer,
Marthandam,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus to call for the records



W.P(MD)No.22141 of 2025

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on the files of the 3rd respondent pertaining to its proceeding in Na.ka. No. 6840/A4/2024 dated 18-09-2024 and to quash the same and consequently directing the respondents to approve the appointment of Mrs. V. Vijila Rani as P.G. Assistant in Chemistry with effect from 01-06-2022 to pay salary along with arrear of salary and all attendant service and monitory benefits consequent to the same within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.SC.Herold Singh

For Respondents : Mr.M.Siddhardhan
Addl. Government Pleader
for R1 to R4

ORDER

Challenging the rejection order dated 18.09.2024, which rejected the proposal to approve the appointment of the petitioner and seeking a direction to the respondents to approve the appointment of the petitioner as P.G. Assistant in Chemistry with effect from 01.06.2022 and to pay salary along with arrears of and all attendant service and monitory benefits, the present writ petition has been filed by the petitioner.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P(MD)No.22141 of 2025

WEB COPY

3. The petitioner school was established to promote education for the poor and needy residing in the locality. It is a religious minority institution recognized by the Education Department. At present, 1,316 students are studying in the petitioner school, where 57 teaching staff (including the Headmaster) and 7 non-teaching staff are employed. Upon the retirement of one Mr. D. Bright David from the post of Post Graduate Teacher in Chemistry on 31.05.2022, one Mrs. V. Vijila Rani applied for the said post. Considering her eligibility, she was appointed as P.G. Assistant (Chemistry) with effect from 01.06.2022, vide appointment order dated 01.06.2022. Since her appointment, she has been discharging her duties sincerely and diligently, without any misconduct. Considering her unblemished record of service, the petitioner school forwarded a proposal for approval of her appointment to the third respondent on 23.11.2022. As no orders were passed on the said proposal, the petitioner school filed W.P. (MD) No.7241 of 2024. This Court, by order dated 25.06.2024, directed the respondent to consider the proposal submitted by the petitioner and to pass appropriate orders. However, since no order was passed, the petitioner initiated contempt proceedings in Cont.P.(MD) No.1775 of 2024. Pursuant to the said



W.P(MD)No.22141 of 2025

WEB COPY

contempt petition, the third respondent passed an order dated 18.09.2024, rejecting the petitioner's request. Challenging the said rejection order, the present writ petition has been filed.

4. The learned counsel for the petitioner submits that the impugned order has been passed by citing Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. As per the said Rule, when eligible and surplus teachers are available in the school, appointments should be made by way of promotion to reduce the surplus teacher ratio. However, the said Rule is not applicable to minority institutions. Further, there are no surplus teachers available in the petitioner school. Therefore, the rejection of the proposal on this ground is not sustainable, and the learned counsel prays that the writ petition be allowed.

5. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents submits that Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, is applicable even to minority institutions receiving government aid. The petitioner school, though enjoying minority status, receives government aid and is thus bound by the



W.P(MD)No.22141 of 2025

WEB COPY

provisions of the Private Schools Regulation Rules. Rule 15(4)(i) and (ii) clearly stipulate that promotions shall be made on the basis of merit and ability, with seniority being considered only when merit and ability are approximately equal. As per clause (ii), appointments to various categories of teachers shall be made in the following order: (i) Promotion from among the qualified teachers in that school; and (ii) If no suitable candidate is available by this method, the school may proceed with direct recruitment as per clause (c) of Rule 15(4)(ii). In the present case, surplus teachers are available and several senior teachers are eligible for promotion. The school, instead of promoting eligible in-service candidates, appointed Mrs. Vijila Rani directly, which is in contravention of the Rules. This action denies rightful promotional opportunities to the existing staff. Therefore, the rejection of the proposal is in accordance with law, and the writ petition deserves to be dismissed.

6. Heard the learned counsel for the parties and perused the materials available on record.

7. Upon hearing both sides and perusing the materials available on



W.P(MD)No.22141 of 2025

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record, this Court finds that Rule 15(4) of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974, prescribes the procedure for appointment to teaching posts, prioritizing promotion over direct recruitment. In the instant case, it is not disputed that there are surplus teachers and eligible in-service candidates available in the petitioner school. The appointment of Mrs. V. Vijila Rani through direct recruitment, bypassing the mandatory promotional aspects, is in violation of Rule 15(4)(ii). The petitioner school has not produced any material to demonstrate the non-availability of qualified and suitable candidates for promotion. Therefore, the rejection of the proposal for approval of appointment by the third respondent vide order dated 18.09.2024 does not warrant any interference by this Court.

8. The writ petition stands dismissed with the above observations.

There shall be no order as to costs.

13.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P(MD)No.22141 of 2025

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W.P(MD)No.22141 of 2025

M.DHANDAPANI,J.

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**ORDER MADE IN
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