



W.P.(MD) No.24032 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.24032 of 2024

and

W.M.P.(MD)Nos.20350 and 20352 of 2024

N.Andro Churchill

... 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),
Marthandam,
Kanyakumari District.
- 4.The Corporate Manager,
RC Schools,
Diocese of Kuzhithurai,
Bishops House Campus,
Unnamalaikadai-629 179,
Kanyakumari District.



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5.The Correspondent,
St.Josephs Higher Secondary School,
Mulagumoodu-629 167,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer (Secondary) in O.Mu.No.746/A2/2024 dated 02.07.2024 quash the same and further direct the respondents to approve the appointment of the petitioner as PG Assistant in History in the fifth respondent school w.e.f 12.06.2023 with all attendant benefits including arrears of salary and allowance.

For Petitioner : Mr.S.Xavier Rajini

For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed for a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent in O.Mu.No.746/A2/2024 dated 02.07.2024 quash the same and further direct the respondents to approve the appointment of the



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petitioner as PG Assistant History in the fifth respondent school w.e.f 12.06.2023 with all attendant benefits including arrears of salary and allowance.

2.The case of the petitioner is that the petitioner was appointed as B.T.Assistant (History) in St.James High School, Parakunnu, Kanyakumari District on 17.02.2017. While that being so, one post of P.G.Assistant (History) fell vacant in the fifth respondent School due to the retirement of the incumbent on 31.05.2023. In the said vacancy, the petitioner was appointed as P.G.Assistant (History) by way of promotion with effect from 12.06.2023, for which the fifth respondent school submitted a proposal seeking approval of the said appointment on 03.08.2023. As the said proposal was returned for certain clarification, the fifth respondent also resubmitted the same on 13.02.2024. By the impugned proceedings dated 02.07.2024, the proposal was again returned with certain queries and the same has also been clarified by the fifth respondent School by resubmitting the proposal on 16.08.2024. Thereafter, the petitioner submitted a representation to the



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second respondent requesting to approve his appointment as P.G.Assistant (History), but no orders were passed. Hence, he has approached this Court.

3.On the other hand, it is the claim of the respondent that the petitioner's appointment as B.T.Assistant (History) itself has not been approved and that he cannot be promoted by the corporate management of the fifth respondent school as P.G.Assistant (History). It is the further claim that the retirement of the earlier incumbent has not been ratified by the department and that the eligible P.G.Assistants, who would have priority for promotion as PG Assistant (History) in the fifth respondent school had not relinquished their right.

4.I have considered the submissions made by the learned counsel on either sides and perused the materials available on record.

5.This Court in W.P(MD)No.24292 of 2025 dated 10.10.2025 had held that there is no necessity for getting a relinquishment letter from Teachers who are eligible to be considered for promotion as P.G.Assistant (History) as



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they have neither made any complaint regarding non-promotion nor they have sought themselves to be promoted in the vacancy that arose in the sanctioned post of the P.G.Assistant (History). That apart, when the incumbent Teacher had attained the age of superannuation, the said incumbent cannot be continued by the School and the vacancy also cannot be left unfilled, which would only affect the interest of the students. It is not the case of the respondents that they have continued to disburse the grant in aid salary for the incumbent, who had attained superannuation as early as in the year 2023.

6.In such view of the matter, this writ petition is disposed of with a direction to the fifth respondent school to resubmit the proposal seeking approval of the appointment of the petitioner as P.G.Assistant (History) and the second respondent shall independently consider the approval of the appointment of the petitioner as P.G.Assistant (History) in the fifth respondent school. This order shall not preclude the right of the petitioner to agitate his claim for approval as PG Assistant (History) in the St.James High School, Parakunnu, Kanyakumari District. Such exercise shall be carried out



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by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, the connected miscellaneous petition is closed.

24.11.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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K.KUMARESH BABU, J.

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