



*W.P.(MD)No.23514 of 2023*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 17.11.2025**

**CORAM**

**THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD)No.23514 of 2023**

**and**

**W.M.P.(MD)Nos.19713 & 19717 of 2023**

Jasmine Cecilia

: Petitioner

Vs.

- 1.The Govt. of Tamil Nadu  
Rep. by its Principal Secretary,  
Department of School Education,  
Fort St. George,  
Chennai – 600 009
- 2.The Director of School Education,  
DPI Campus,  
College Road,  
Chennai – 600 006
- 3.The Chief Educational Officer,  
The Office of the CEO, Thanjavur,  
Thanjavur – 613 001
- 4.District Educational Officer,  
The Office of the DEO, Kumbakonam,



W.P.(MD)No.23514 of 2023

Kumbakonam,  
Thanjavur District

5.The Correspondent,

St. Gabriel's Girls Higher Secondary School,

Pasupathikoil,

Thanjavur – 614 206

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order, dated 26.07.2023, in Na.Ka.No.1077/AA1/2023, on the file of the 4<sup>th</sup> respondent and quash the same, directing the respondents to accord approval to the appointment of the petitioner Sr.Jasmine Cecilia, working as Junior Assistant in St. Gabriel's Girls Higher Secondary School, Pasupathikoil, Thanjavur District – 614 206, w.e.f. 03.06.2019, with all monetary and other service benefits.

For Petitioner : Fr.S.Savarimuthu  
for M/s.Father Xavier Associates

For R1 to R4 : Mr.S.Shaji Bino,  
Special Government Pleader

For R5 : No Appearance



W.P.(MD)No.23514 of 2023

## **ORDER**

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This writ petition has been filed challenging the impugned order dated 26.07.2023 passed by the fourth respondent, rejecting the proposal sent by the fifth respondent - school, seeking for approval of the appointment of the petitioner as Junior Assistant (Non-teaching staff) in the fifth respondent school.

2. The fourth respondent rejected the request of the fifth respondent - school on the ground that there are surplus non-teaching staff in the district. However, it is the contention of the petitioner that there is no surplus non-teaching staff either in the fifth respondent - school or in the schools under its corporate management. Being a Minority Institution, it is the contention of the petitioner that, approval ought to have been granted by the fourth respondent for her appointment as a non-teaching staff in the fifth respondent - school.

3. Learned counsel for the petitioner referred to the judgment rendered by the Division Bench of this Court dated 14.06.2023 in **W.A.(MD)No.816 of 2023**, in the case of ***the Correspondent, Holy Family Girls Higher Secondary School, Gnanaolivupuram, Madurai - 625 016 vs. The State of Tamil***



W.P.(MD)No.23514 of 2023

**Nadu rep. by its Secretary, Department of School Education,**

**Fort St. Geroge, Chennai - 600 009 and others,** and submitted that the Division Bench of this Court, while considering a similar issue, held that just because there are surplus teachers in a district, the request of a Minority Institution seeking for approving the appointment of the non-teaching staff cannot be rejected when the said Minority Institution does not have surplus non-teaching staff in the said institution or in its corporate management.

4. Since the law is well settled, the fourth respondent ought to have considered the decisions rendered by this Court before rejecting the request of the fifth respondent - school for approving the appointment of the petitioner as a non-teaching staff. Since the same has not been considered in the impugned order and the impugned order is a non speaking order, this Court deems it fit to quash the impugned order and to remand the matter back to the very same respondent for fresh consideration on merits and in accordance with law, in the light of the Division Bench judgment referred to *supra*, within a time frame to be fixed by this Court.

5. Accordingly, the impugned order, dated 26.07.2023, passed in Na.Ka.No.1077/AA1/2023, is hereby quashed and this Writ



W.P.(MD)No.23514 of 2023

Petition is disposed of, by remanding the matter back to the fourth respondent for fresh consideration on merits and in accordance with law. The fourth respondent is directed to consider the Division Bench judgment referred to *supra*, which has held that a Non Minority Institution cannot be deprived of getting approval for the appointment of a non-teaching staff, when there are no surplus teachers in the said Minority Institution or in the schools under its corporate management, though there may be surplus non-teaching staffs in the district concerned. The fourth respondent shall pass final orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

**17.11.2025**

Index : Yes / No

Internet : Yes / No

NCC : Yes/No

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*W.P.(MD)No.23514 of 2023*

WEB COPY

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*W.P.(MD)No.23514 of 2023*

**ABDUL QUDDHOSE., J.**

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