



W.P.(MD)No.23796 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.23796 of 2023

and

W.M.P.(MD).Nos.19971 and 19973 of 2023

The Correspondent,
St.Aloysius Girls Higher Secondary School,
Thoothukudi-628 001,
Thoothukudi District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.

4.The District Educational Officer,
Thoothukudi,
Thoothukudi District.

... Respondents



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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 Government orders issued by the third respondent CEO return the proposal vide the impugned proceedings in O.Mu.No.6313/Aa4/2023 dated 24.07.2023 and the consequential impugned proceedings issued by the fourth respondent DEO the fourth respondent DEO in O.Mu.No.2728/A2/2018 dated 00.08.2019 (signed on 18.08.2023) returning the proposal for appointment approval, quash the same and further direct the third and fourth respondents herein to approve forthwith the appointment of Tmt. Soundhara Baby Beula as Office Assistant in the petitioner School with effect from 04.04.2018 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.K.Prabhu

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the third respondent dated 24.07.2023 and the consequential impugned proceedings of the fourth respondent dated 18.08.2023, rejecting the petitioner's request for granting approval for the appointment of Tmt. Soundhara Baby Beula as Office Assistant in the petitioner School with effect from 04.04.2018. The proposal of the petitioner / School has been rejected on the ground that there are surplus non-teaching staff in the District.



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2. The petitioner / School contends that they have satisfied the requirements of G.O.(Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018 and the petitioner / School also contends that there are no surplus non-teaching staff in the petitioner / School or in the corporate management of the petitioner / School.

3. However, as seen from the counter-affidavit filed by the respondents before this Court, they contend that since the petitioner has not challenged G.O. (Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018 in the manner known to the petitioner under law, the petitioner is not entitled to get approval for the appointment of the said non-teaching staff in the petitioner / School. The respondents have also stated that since there are surplus non-teaching staff both in the petitioner / School and in the District, only in accordance with G.O.(Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018, the petitioner's proposal has been rejected under the impugned orders. The petitioner is a minority institution. They categorically contend that there are no surplus non-teaching staff in their institution.



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4. The learned counsel appearing for the petitioner also drew the attention of this Court to G.O.(Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018 and would submit that as seen from the said Government Order, for every 1000 students in a School, the School can have two Office Assistants. According to him, the petitioner has satisfied the requirements of G.O.(Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018 and being a minority Institution, the petitioner / School is entitled to get approval for the appointment of non-teaching staff. But, according to him, the same has been rejected under the impugned order arbitrarily and illegally by stating that there are surplus non-teaching staff in the District.

5. On the other hand, the learned Special Government Pleader appearing for the respondents would reiterate the contents of the counter filed by the respondents before this Court. He would submit that only due to surplus non-teaching staff available in the District, the petitioner's proposal has been rejected under the impugned orders and therefore, there is no illegality in the same. He would also submit that G.O.(Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018 has not been satisfied by the petitioner and therefore, on account of the surplus non-teaching staff in the District and therefore, the proposal of the petitioner seeking approval for the appointment of



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the non-teaching staff has been rightly rejected under the impugned proceedings.

6. The contentions of the petitioner as raised in this writ petition have not been duly considered. The petitioner has categorically stated, supported by documents that the petitioner / School is not having surplus non-teaching staff. The petitioner is also a minority institution. The petitioner contends that even if there are surplus non-teaching staff in the District, the same will not apply to a minority institution. The petitioner has also submitted that they have satisfied the requirements of G.O.(Ms).No.238, School Education (Pa.Ka. 6(1) Department, dated 13.11.2018. As they would contend that in their institution, there are no surplus non-teaching staff. However, the contentions of the petitioner are disputed by the respondents through their counter. This Court is not expressing any opinion on the merits of the petitioner's proposal.

7. Since the petitioner categorically contends that the appointment of the non-teaching staff has to be approved by the respondents and in the interest of justice to enable the respondents to pass a speaking order with regard to the contentions of the petitioner and in case, the petitioner is able to convince the respondents that they are entitled to get the approval for the appointment of the non-teaching staff, this Court deems it fit to quash the impugned orders.



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8. Accordingly, the impugned proceedings of the third respondent dated 24.07.2023 and the consequential impugned proceedings of the fourth respondent dated 18.08.2023 are hereby set aside and the matter is remanded back to the very same respondents for fresh consideration on merits and in accordance with law. The petitioner is directed to submit a fresh explanation to the third respondent as to why the approval for the appointment of the said non-teaching staff has to be granted by the third respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said explanation within the stipulated time, the third respondent is directed to pass final orders on merits and in accordance with law after giving due consideration to the explanation submitted by the petitioner within a period of twelve weeks thereafter.

9. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

29.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

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To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-600 009.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
Thoothukudi,
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ABDUL QUDDHOSE, J.

TSG

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