



W.P.(MD).No.24547 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.24547 of 2025

C.Madura Bai

...Petitioner

-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,
Thuckalay, Kanyakumari District.

5. The Corporate Management,
Corporate Management School, CSI-Diocese Office,
71-A, Dennis Street, Nagercoil-629 001.

6. The Correspondent,
L.M.S. Higher Secondary School for Girls,
Neyyoor – 629 502.

...Respondents



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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 or any other writ or direction of a like nature to call for the records on the file the 3rd respondent pertaining to its proceedings bearing dated Na.Ka.No. 3443/A4/2023 dated 23.10.2023 and to quash the same and consequently direct the respondents to approve the petitioner's appointment as P.G. Assistant with effect from 16-09-2020 by considering the resubmitted proposal 124/2024/2025 18.02.2025 by the 5th respondent.

For petitioner : Mr.Aayiram K.Selvakumar

For Respondent Nos.1 to 4 : M/s.N.Satheesh Kumar
Addl. Government Pleader

For Respondent No.5 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This writ petition is filed challenging the proceedings issued by the 3rd respondent in Na.Ka.No.3443/A4/2023 dated 23.10.2023 and consequently seeking direction to the respondents to approve the petitioner's appointment as P.G. Assistant (History) with effect from 16.09.2020 by considering the resubmitted proposal dated 18.02.2025 by the 5th respondent.



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2. The instant case is that the petitioner had been appointed in a sanctioned vacancy as PG Assistant (History) on 19.09.2020, which arose due to the retirement of the then incumbent on 31.05.2020. The 5th respondent management had sent a proposal to approve the appointment of the petitioner and the same had been returned for want of unwillingness certificate from the other eligible teachers, who could be promoted to the said vacancy. This Court in a similar circumstances, passed an order in W.P. (MD).No.24292 of 2025 dated 10.10.2025 and held that such ground cannot be available to the respondents as neither the BT Assistants who were entitled for promotion had challenged the appointment of the PG Assistants by Direct recruitment nor they have made any complaints in not filling up the vacancy by way of promotion. For better appreciation, the relevant paragraph of the said order is extracted hereunder :

"5. It is the case, where the petitioner has made an appointment to the post of PG Assistant. It is only the case of the respondents that there are four BT Assistant teachers available eligible for promotion and without promoting them, the petitioner school could not have appointed a PG Assistant teacher. The respondents claim that there has been no relinquishment of promotion by the BT Assistant teachers. But it is not their case, they



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have received complaints that the petitioner had filled up the vacancies without offering them an opportunity of promotion. When that be so, the respondents cannot be heard to say that the petitioner has to produce letters of relinquishment from the BT Assistants. The said BT Assistants have not challenged the appointment of PG Assistant. Therefore, they cannot be said to be aggrieved and therefore, the reason given by the respondents in rejecting the claim on that ground is liable to be interfered with. It is further to be noted that this Court following the earlier judgements, had categorically held that Rule 28 of the TamilNadu Private Schools (Regulation) Rules, 2023 which is equivalent to old rule 15(4) had been categorically held not to apply for minority institutions. No contrary orders have been produced by the respondents to say that the judgements relied upon by the petitioner cannot be made applicable to the case."

3. In view of the above, the matter is remitted back to the Respondent Nos.3 & 4, and they are hereby directed to consider the proposal of the 5th respondent school and pass appropriate orders on merits and in accordance with law if the petitioner is otherwise qualified.



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4. With the above directions, this writ petition is disposed of. No

costs.

17.10.2025

Index : Yes/No

Speaking/Non-Speaking order

Neutral Citation : Yes/No

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To

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