



W.P.(MD)No.24292 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.24292 of 2025

and

WMP(MD).Nos.19057 & 19058 of 2025

The Correspondent,
St. Xavier's Higher Secondary School,
Palayamkottai-627 002,
Tirunelveli District.

...Petitioner

Vs

1. The State of TamilNadu,
Rep. By its Secretary,
Department of Higher Education,
Fort St. George, Chennai-600 009.

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

3. The Chief Educational officer,
Tirunelveli, Tirunelveli District.

4. The District Educational Officer,
Tirunelveli, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent CEO in Oo.Mu.No.7693/A4/2024 dated 29.03.2025 and



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quash the same, and further direct the 3rd and 4th respondents to approve forthwith the appointment of S.Manuvel as PG Assistant (English) in the petitioner school w.e.f., 03.10.2023, with all attendant benefits including arrears of salary.

For Petitioner : M/s.K.Ragatheesh Kumar

For Respondents : Mr.N.Satheesh Kumar
Additional Govt., Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings issued by the 3rd respondent in Oo.Mu.No.7693/A4/2024 dated 29.03.2025 and further seeking consequential direction to the 3rd and 4th respondents to approve the appointment of S.Manuvel as PG Assistant (English) in the petitioner school w.e.f., 03.10.2023, with all attendant benefits including arrears of salary.

2. The learned Counsel for the petitioner would submit that the petitioner school is a minority institution and one post of PG Assistant (English) fell vacant on 30.09.2023, due to the retirement of the then incumbent. In the said vacancy, the petitioner school appointed a fully qualified teacher i.e., Mr.S.Manuvel as PG Assistant (English) w.e.f



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03.10.2023. After his appointment, the school management had sent a proposal to the 3rd respondent seeking approval of the appointment of the said post. The said proposal had been rejected by holding that as per provisions under Rule 28(5) of TamilNadu Private Schools (Regulation) Rules, 2023 there are four BT Assistants (English), who are already working in the school who are eligible to be promoted as PG Assistant and when that be so, the appointment by direct recruitment to the post of PG Assistant could not be made. He would further submits that the Division Bench of this Court had granted an order of Status quo of the aforesaid rules by holding that it has not been applicable to the minority institutions. Hence, the same could not be put against the petitioner. That apart, he would submit that the four BT Assistants have not opted for promotion to the post of PG Assistant and they are happy working as BT Assistants in the school. When that being so, he submits that the petitioner cannot be compelled to promote the qualified teachers to the post of PG Assistant. Even if it is to be held that the petitioner would have to necessarily promote the BT Assistant teachers as PG Assistants then there would be a vacancy in the post of BT Assistant, for which the petitioner would have to make necessary appointment. Therefore, he would submit that the analogy of the respondent in rejecting the proposal



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is wholly untenable. He would also rely upon the judgments of the learned single Judge made in various cases to drive home his contentions.

3. The learned Additional Government Pleader appearing for the respondents would submit that regulations have framed for the appointment of PG Assistant and the relevant rules would have to be followed. He further submits that the judgements relied upon by the petitioner cannot be applied to the facts of the case. He further submits that without complying with the rules, the petitioner cannot be granted with approval as sought for. He further submits that the petitioner had not produced any documents from the BT Assistants who are qualified to be promoted as PG Assistant relinquishing their right for promotion. Therefore, he prays to dismiss the writ petition.

4. I have considered the submissions made on either sides and carefully perused the material available on record.

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



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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 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.



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6. In such view of the matter, the impugned order is hereby set aside, the 4th respondent is directed to forward the proposal within a period of four weeks from the date of receipt of a copy of this order and the 3rd respondent is directed to grant approval to the appointment of PG Assistant (English) within a period of twelve weeks from the date of receipt of the proposal from the 4th respondent.

7. With the above said directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

10.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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To:
WEB COPY

1. The Secretary,
Department of Higher Education,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Chief Educational officer,
Tirunelveli, Tirunelveli District.
4. The District Educational Officer,
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K.KUMARESH BABU, J.

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