



WP(MD)No.24364 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 07.10.2025	PRONOUNCED ON 26.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)Nos.24364 of 2025 &
WMP (MD).Nos.19122 of 2025

The Correspondent,
Marist Higher Secondary School,
P.Udayapatti,
Karur District -639 119.

... Petitioner

/vs./

1.The Govt., of Tamil Nadu,
Rep., by its Additional Chief Secretary,
Department of School Education,
Fort St., George, Chennai – 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 009.

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Karur District.

4.The District Educational Officer,
The Office of the District Educational Officer,
Karur District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



WP(MD)No.24364 of 2025

issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings dated 17.06.2025 in O.Mu.No.6640/AA5/2025, on the file of the fourth respondent and quash the same directing the respondents to accord approval to the promotion of the incumbent, Mr.Perumal working as B.T.Assistant (Mathematics) in the petitioner school, Marist Higher Secondary School P.Udayapatti, Karur District w.e.f., 02.06.2025 and release salary with all monetary and service benefits.

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

For Respondents : Mr.N.Satheeshkumar AGP

ORDER

This Writ Petition had been filed to quash the impugned proceedings dated 17.06.2025, passed by the fourth respondent and directing the respondents to accord approval to the promotion of the incumbent, Mr.Perumal working as B.T. Assistant (Mathematics) in the petitioner school, Marist Higher Secondary School P.Udayapatti, Karur District w.e.f., 02.06.2025 and release salary with all monetary and service benefits.

2. Heard Fr.S.Savarimuthu, learned counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.



WP(MD)No.24364 of 2025

3. In the instant Writ Petition, a proposal for approval of appointment of the promotion of the B.T. Assistant from the post of Secondary Grade Teacher in the vacancy that arose due to the promotion of the incumbent B.T. Assistant (Mathematics) as Headmaster had been returned indicating that the appointment of B.T. Assistant can be considered only after the judgment is delivered in the pending case on the appointment and promotion of B.T. Assistant and after receiving the necessary directions from the second respondent.

4. However, under the counter affidavit, the said impugned order is sought to be sustained by referring to the judgment of the Division Bench of this Court in W.A.(MD).No.76 of 2019, etc., batch dated 31.03.2021. Even though the issue of surplus has been raised in the counter affidavit, no statistics had been given as proof to show the available surplus teacher in the District. That apart, the reasoning given in the order along with the other reasons cannot be sought to be advanced by assigning any other reasons in the counter affidavit.

5. It is well established principles of law that the order has to speak for itself and it cannot be supported by other reasons that is sought to be driven in the counter affidavit. The counter affidavit further claims that the Government has a



WP(MD)No.24364 of 2025

Constitutional Fiduciary responsibility to protect to be exchequer. It is very unfortunate that the Government had failed to consider the rights of students to receive education, which is protected under Article 21 A of the Constitution of India. Such a fundamental right provided under Part III cannot be subject to the other provisions of the Constitution. The right of appointment of a Teacher in a minority institution has been well protected by various decisions of the Hon'ble Apex Court and reiterated by this Court also.

6. For the aforesaid reasons, this Court is inclined to interfere with the order impugned and accordingly, the Writ Petitions stand allowed and the impugned orders are set aside and the following directions are issued:-

a) The petitioner school is directed to resubmit the proposal to the respondents within a period of two (2) weeks from the date of receipt of a copy of this order;

b) On receipt of such proposal, the third respondent shall grant necessary approval within a period of four (4) weeks thereafter, after verifying the qualification of the teachers so appointed.



WP(MD)No.24364 of 2025

c) On grant of approval, necessary funds shall also be

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d) However, there shall be no order as to costs.

Consequently, connected Miscellaneous Petition is closed.

26.11.2025

Index : Yes / No

Internet : Yes / No

Pbn

To

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Rep., by its Additional Chief Secretary,
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WP(MD)No.24364 of 2025

K.KUMARESH BABU, J.

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Pre-Delivery Order made in
W.P.(MD)Nos.24364 of 2025 &
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26.11.2025