

W.P.(MD) No.1399 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 18.07.2025

Pronounced On : 25.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.1399 of 2017

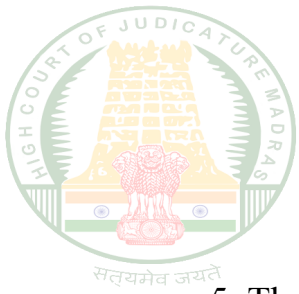
and

W.M.P. (MD) Nos.1149 to 1151 of 2017

S.Aneesh
S/o.Sudhakaran Nair,
Jayanivas,
Vallavilai Post,
Kollemcode,
Kanyakumari District.
Vs.

... Petitioner

1. The Director of School Education,
College Road,
Nungambakkam,
Chennai – 600 006.
2. The Joint Director of Higher
Secondary Education,
College Road,
Nungambakkam,
Chennai – 600 006.
3. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.
4. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.



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5. The Secretary,
Sree Devi Girls Higher Secondary School,
Kollemcode Post – 629 160,
Kanyakumari District.

6. Manikandan Nair,
S/o.Prabhakaran Nair,
Kottuvilagathu Veedu,
Panavillai,
Kollemcode Post – 629 160,
Kanyakumari District.

...Respondents

PRAYER:

To issue a Writ of Certiorarified Mandamus, or any other appropriate writ or order or direction particularly in the nature of Writ, calling for the records pertaining to the impugned order passed by the fifth respondent in No. Nil, dated 22.12.2016, quash the same and consequently direct the fifth respondent to appoint the petitioner in the post of Junior Assistant in the fifth respondent School and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN W.M.P.(MD) No.1149 of 2017:

To dispense with the production of the original impugned order passed by the fifth respondent in No. Nil dated 22.12.2016 and thus render justice.



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PRAYER IN W.M.P.(MD) No.1150 of 2017:

WEB COPY To stay the operation of the impugned order passed by the fifth respondent in No. Nil dated 22.12.2016, pending disposal of the main Writ Petition and thus render justice.

PRAYER IN W.M.P.(MD) No.1151 of 2017:

To grant an order of direction, directing the fourth respondent not to approve the proposal of appointment of 6th respondent sent by the 5th respondent, pending disposal of the main Writ Petition and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.S.S.Thesigan

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R4

: Mr.K.Ragatheesh Kumar
for Mr.Cibi Chakraborty for R5

: Mr.Thayumanasamy for R6

J U D G M E N T

Heard.

2. The present writ petition is filed seeking a Writ of Certiorarified Mandamus to quash the appointment order dated 22.12.2016 issued by the



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5th respondent school appointing the 6th respondent as Junior Assistant, and consequently direct the said school to appoint the petitioner to the said post.

3. The 5th respondent is a Government-aided Higher Secondary School. The vacancy for the post of Junior Assistant arose on 01.08.2015 on account of superannuation. Pursuant to a public advertisement dated 06.05.2015 and 09.06.2015, the petitioner, along with others including the 6th respondent, applied for the post of Junior Assistant. The petitioner appeared for the interview conducted on 10.10.2015. He claims that he was shortlisted and later only informed that he was selected. However, to his surprise, the 6th respondent was appointed instead, despite allegedly being overaged and not having appeared for the interview.

4. It is further alleged by the petitioner that the 6th respondent's application was initially rejected for overage, and that the petitioner was overlooked due to his inability to pay a bribe. He relies on the age limit prescribed in the Tamil Nadu State and Subordinate Service Rules, 1955, and contends that the appointment of the 6th respondent, aged above 30 years, was illegal.



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5. Per contra, the 5th respondent school and the 4th respondent District Educational Officer have filed detailed counters. It is admitted that the 6th respondent was appointed by resolution of the School Committee dated 21.12.2016, and his appointment was later approved by the competent authority vide proceedings dated 26.09.2018, pursuant to directions issued in connected writ petitions including W.P.(MD) No. 18448 of 2017.

6. It is the consistent stand of the respondents that the 5th respondent school is governed by the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the Rules framed thereunder in 1974. Annexure V to the Rules prescribes educational qualifications but does not impose any upper age limit for appointment to the post of Junior Assistant. The reliance placed by the petitioner on the age limit prescribed under the Tamil Nadu State and Subordinate Service Rules, 1955 is thus misplaced, as those rules apply to direct recruitment to posts under the government, and not to appointments made by private aided schools.



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7. It is also pertinent to note that the 6th respondent's appointment has been duly approved by the competent educational authority, subject to the outcome of earlier Writ Petition (MD)No.18488 of 2017. The petitioner has not produced any evidence to substantiate the allegation of bribery or prove *mala fides* in the selection process.

8. Judicial review of selection and appointment in aided schools is circumscribed. In the absence of any statutory violation, or clear and convincing proof of *mala fides*, this Court will not substitute its views for that of the appointing authority or interfere with the decision of the School Committee.

9. The petitioner, having participated in the very same selection process and being unsuccessful, cannot now challenge the appointment merely on the basis of assumptions or misapplied legal standards. It is well settled that an unsuccessful candidate cannot seek writ of mandamus for appointment as a matter of right.



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10. Accordingly, this Court finds no infirmity in the selection and appointment of the 6th respondent. The writ petition is devoid of merit and stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

25.07.2025

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

LS

To

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College Road, Nungambakkam,
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Pre-delivery Judgment made in
W.P. (MD) No.1399 of 2017

25.07.2025