



W.P.(MD)No.26722 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.26722 of 2025

and

WMP(MD).Nos.20721 of 2025

J.Antony Arputha Mary

...Petitioner

Vs

1. The Chief Educational Officer,
Tenkasi District.

2. The District Educational Officer (Secondary),
Tenkasi District.

3. The Correspondent,
Punitha Arulappan Higher Secondary School,
Avudaiyanoor,
Tenkasi 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 pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.2014-Aa5/2025 dated 13.08.2025 and quash the same and direct the respondents to approve the appointment of the petitioner as PG Assistant (History) from the date of appointment i.e., from 07.02.2025 with salary and all other consequential benefits.



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For Petitioner : M/s.V.Panner Selvam
For Respondent
Nos.1 & 2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent in his proceedings in Na.Ka.No.2014/Aa5/2025 dated 13.08.2025 and seeking consequential direction to the respondents to approve the appointment of the petitioner as PG Assistant (History) from the date of appointment i.e., from 07.02.2025 with salary and all other consequential benefits.

2. The instant case is that the petitioner had been appointed in a sanctioned vacancy on 07.02.2025, which arose due to the retirement of the then incumbent on 30.09.2024. The 3rd 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



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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 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



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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 impugned order is set aside and the matter is remitted back to the second respondent and the second is directed to consider the proposal of the 3rd respondent and pass appropriate orders on merits and in accordance with law if the petitioner is otherwise qualified.

4. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2025

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



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To:

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K.KUMARESH BABU, J.

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