



W.P.(MD).No.26799 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.26799 of 2025

and

WMP(MD).No.20788 of 2025

G.Anitta Jarlin

...Petitioner

-Vs-

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

2. The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.

3. The District Educational Officer (Secondary),
Marthandam, Kanyakumari District.

4. The Correspondent,
CSI VV Higher Secondary School,
Irenipuram-629 162,
Kanyakumari District.

5. The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71 A, Dennis Street,
Nagercoil-629 001.

...Respondents



W.P.(MD).No.26799 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to approve the appointment of the petitioner as PG Assistant in Maths in the 4th respondent school namely, CSI VV Higher Secondary School, Irenipuram, Kanyakumari District w.e.f. 26.09.2024 and disburse grant-in-aid towards her salary and other allowances.

For petitioners : Mr.S.Xavier Rajini

For Respondent Nos.1 to 3 : M/s.N.Satheesh Kumar

For Respondent Nos.4 & 5 : M/s.S.C.Herold Singh

ORDER

This writ petition is filed seeking direction to the respondents to approve the appointment of the petitioner as PG Assistant in Maths in the 4th respondent school namely, CSI VV Higher Secondary School, Irenipuram, Kanyakumari District w.e.f. 26.09.2024 and disburse grant-in-aid towards her salary and other allowances.

2. The instant case is that the petitioner had been appointed in a sanctioned vacancy as PG Assistant (Maths) on 26.09.2024, which arose due to the promotion of the then incumbent on 26.09.2024. 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



W.P.(MD).No.26799 of 2025

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 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



W.P.(MD).No.26799 of 2025

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 second respondent and the second is directed to consider the proposal of the 4th 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 disposed of. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn



W.P.(MD).No.26799 of 2025

To
WEB COPY

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
3. The District Educational Officer (Secondary),
Marthandam, Kanyakumari District.
4. The Correspondent,
CSI VV Higher Secondary School,
Irenipuram-629 162,
Kanyakumari District.
5. The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71 A, Dennis Street,
Nagercoil-629 001.



WEB COPY



W.P.(MD).No.26799 of 2025

K.KUMARESH BABU, J.
gvn

W.P.(MD).No.26779 of 2025

17.10.2025