



WP(MD). No.31090 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 19/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.31090 of 2025

and

WMP(MD)Nos.24307 of 2025 and 24309 of 2025

P.George Devadoss,

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep.by it's Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.
2. The Director of School Education,
O/o. the Director of School Education,
DPI Campus,
Chennai.
3. The Chief Educational Officer,
O/o The Chief Educational Office,
Thanjavur,
Thanjavur District.
4. The District Secondary Educational Officer,
O/o. The District Secondary Educational Office,
Thanjavur,
Thanjavur District.



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5. The Correspondent,
Punitha Arockia Annai Hr.Sec.School,
Punalvasal, Pattukottai,
Thanjavur District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court may be pleased to issue a **WRIT OF CERTIORARIFIED MANDAMUS** calling for the records pertaining to the impugned order passed by the 3rd Respondent vide his proceedings in Mu.Mu.No.10605/A3/2023 dated 02.04.2024 and consequential order passed by the 3rd respondent vide his impugned proceedings in O.Mu.No.1576/A3/2025 dated 09.04.2025 and quash the same as illegal and consequentially direct the respondents to approve the petitioner's appointment as Office Assistant w.e.f. 24.03.2023 in the 5th respondent's school and pay arrears of salary with all consequential monetary benefits arising thereon within the period that may be stipulated by this Court.

For Petitioner : M/s.Ajmal Associates,

For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader
(for R1 to R4)

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order



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passed by the 3rd Respondent vide his proceedings in Mu.Mu.No. 10605/A3/2023 dated 02.04.2024 and consequential order passed by the 3rd respondent vide his impugned proceedings in O.Mu.No. 1576/A3/2025 dated 09.04.2025 and quash the same as illegal and consequentially direct the respondents to approve the petitioner's appointment as Office Assistant w.e.f. 24.03.2023 in the 5th respondent's school and pay arrears of salary with all consequential monetary benefits arising thereon within the period that may be stipulated by this Court.

2. Learned counsel for the petitioner submits that there are about 1000 students studying in the school and one post of Office Assistant in the petitioner's school fell vacant on 31.03.2022, in which place the petitioner had been appointed with effect from 24.03.2023. A proposal had been sent to the fourth respondent on 29.05.2023 seeking approval of the petitioner's appointment and to disburse the grant in aid.

3. The said proposal had been returned as there has been no instructions for approval of post. Again on 16.10.2023, the management sent the proposal and the same was forwarded by the fourth respondent to



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the third respondent for approval of appointment in the post of Office Assistant. The said proposal had been returned instructing the petitioner school that there are surplus officers in other schools and therefore the appointment of the petitioner could not be approved.

4. Learned counsel for the petitioner would submit that there is no surplus non-teaching staff available in the school for them to be re-deployed. That apart, she would submit that the post being a sanctioned post in which already grant in aid has been given and the new appointment has been made. It is incumbent on the part of the respondents to approve the same.

5. He further submits that even if G.O.Ms.No.238, dated 13.11.2018 is upheld, it will not affect the claim of the petitioner in the present case as the strength of the school is more than the maximum prescribed under G.O.Ms.No.238.

6. Learned Additional Government Pleader on the other hand submits that the claim of the petitioner had not been rejected in its



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entirety. It has been withheld for the time being for further instructions from the Director of School Education and the petitioner school was only directed to re-submit the proposal after receipt of the instructions from the Head of the Department. Therefore, he would submit that there is no error in the order impugned and the petitioner can await for further orders from the Head of the Department.

7. I have considered the arguments advanced by the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

8. A perusal of the counter affidavit filed by the fourth respondent indicates that the petitioner school is eligible for approval to the post of Office Assistant. All it envisages is that unless and until any further instructions is given by the Director of School Education, no orders could be passed. The counter further indicates without the instruction from the Government, approval could not be granted to other teachers including the non-teaching staff.



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9. Grant in aid had been provided to support the private educational institutions in the interest of the students. When grant in aid is accorded to a particular school, they are only entitled to collect minimum fees from the school.

10. Having admitted the eligibility to the petitioner for grant of approval as per the Rules, it is not known as to how any instructions could be given contrary to the Rules, either by the Head of the Department or by the Government.

11. In such circumstances, this Court finds no impediment for granting a positive direction to grant approval.

12. In such view of the matter, the following orders are passed.

a. The impugned orders dated 02.04.2024 and 09.04.2025 are set aside.

b. The petitioner School shall resubmit the proposal within a period of two weeks from the date of receipt of a copy of this order.



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c. On receipt of the same, the third respondent shall grant necessary approval to the post of Office Assistant within a period of four weeks thereafter.

d. On grant of approval, the necessary funds shall be released to the petitioner in respect of the post approved from the initial date of the appointment to the post of Office Assistant.

13. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

19.11.2025

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

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K.KUMARESH BABU, J

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To

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Secretariat, Chennai-600 009.
2. The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai.
3. The Chief Educational Officer,
O/o The Chief Educational Office,
Thanjavur, Thanjavur District.
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