



W.P.(MD).No.31575 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.31575 of 2025

and

W.M.P(MD)Nos.24749 & 24750 of 2025

K.Arun

...Petitioner

-Vs-

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

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

3. The District Educational Officer (Secondary)
Nagercoil - 629 001
Kanyakumari District.

4. The Correspondent
Carmel Higher Secondary School
Nagercoil - 629 004
Kanyakumari 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 relating to the impugned proceedings issued by the 2nd respondent Chief Educational Officer in Na.Ka.No. 0135/A4/2025



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dated 28.03.2025, QUASH THE SAME and further DIRECT the respondents to approve the appointment of the petitioner as Lab Assistant in the 4th respondent-school w.e.f., 11.02.2020 with all attendant benefits including arrears of salary and allowances, and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For petitioner	: Mr.S.Xavier Rajini
For Respondent	
Nos.1 to 3	: Mr.N.Satheesh Kumar
	Additional Government Pleader
For Respondent No.4	: No appearance

ORDER

This writ petition is filed challenging the impugned proceedings issued by the 2nd respondent Chief Educational Officer in Na.Ka.No. 0135/A4/2025 dated 28.03.2025 and seeking consequential direction to the respondents to approve the appointment of the petitioner as Lab Assistant in the 4th respondent-school w.e.f., 11.02.2020 with all attendant benefits including arrears of salary and allowances.

2.I have carefully considered the submissions made on either side and perused the materials available on record.



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3. The petitioner's appointment as Lab Assistant on 01.11.2020

has not been approved under the impugned order herein by indicating reasons that there is one post of Record Clerk is surplus and that there is a contradiction with regard to the minority status of the 4th respondent school. It is not disputed that the 4th respondent school had been conferred minority status. However, the claim is that such minority status, which was granted after the petitioner's appointment, cannot operate to the benefit of the 4th respondent institution. It is to be noted that when a institution is recognized as a minority institution, it would date back to the date of its establishment.

4. In such view of the matter, the reasons assigned with regard to the contradiction to the status of minority of the 4th respondent institution cannot be put against the grant of approval to the petitioner in the 4th respondent institution, as it has been declared to be a minority institution. It is also to be further noted that even after the Government Order in G.O.Ms.No.238, School Education Department dated 13.11.2018, the 4th respondent school would entitle to have a Lab Assistant. A surplus post of Record Clerk cannot be put against the petitioner in denying the approval of appointment. If the department had found that there is a surplus in the post



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of Record Clerk, it is for the authority to deploy such surplus staffs. This Court would understand if there is surplus in the post of Lab Assistant, such refusal would be justified. But, not a surplus in the post of Record Clerk to deny the approval for the appointment of the Lab Assistant.

5. For the aforesaid reasons, the impugned order is set aside and the respondents are directed to grant approval to the appointment of the petitioner as Lab Assistant with effect from the date of his initial appointment in the 4th respondent school and as a sequel the respondents are also directed to disburse the grant-in-aid towards the salary and other attendant benefits.

6. This writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

20.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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K.KUMARESH BABU.J.

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