



W.P.(MD).No.31899 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.31899 of 2025

and

W.M.P(MD)No.25087 of 2025

P.Thambi Raj

...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,
L.M.S. Girls Higher Secondary School,
Marthandam,
Kanyakumari District

5.The Corporate Manager,
CSI Corporate Schools
CSI Diocese of Kanyakumari
No. 71 A, Dennis Street
Nagercoil-629001.

... Respondents



W.P.(MD).No.31899 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 Office Assistant in the fourth respondent-school w.e.f. 01.12.2021 with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.S.Xavier Rajini
For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R4 & R5 : Mr.S.C.Herold Singh
Standing Counsel

ORDER

This writ petition has been filed for a writ of Mandamus to direct the respondents to approve the appointment of the petitioner as Office Assistant in the fourth respondent-school w.e.f. 01.12.2021 with all attendant benefits including arrears of salary and allowances.

2. It is submitted that the petitioner was appointed to the vacant and sanctioned post of Office Assistant with effect from 01.12.2021. The proposal had been submitted by the fourth respondent school to the second respondent. Placing reliance upon the staff fixation for the academic year 2021-2022, the petitioner submits that there was no



W.P.(MD).No.31899 of 2025

surplus in the post of Office Assistant, and that the incumbent who was working there as Office Assistant at the relevant point of time had attained age of superannuation on 31.08.2021, in which place the petitioner was appointed. Hence, he seeks the indulgence of this Court to direct the second respondent to approve his appointment as per the proposal submitted by the fourth respondent.

3. Countering his argument, the learned Additional Government Pleader for the respondents 1 to 3 submits that as per G.O.No.238, School Education Department, dated 13.11.2008, no appointments can be made to the post of Assistant. He further submits that there are block surplus in the other schools within the fourth respondent institution. Hence, there is no question of granting any approval to the petitioner. Therefore, he prays this Court to dismiss the writ petition.

4. Admittedly, the petitioner was appointed on 01.12.2021 and this Court has also taken judicial note of the fact that, for the academic year 2021-2022 no staff fixation was made by the official respondents in view of the Covid 19 pandemic. The petitioner had been appointed as Office



W.P.(MD).No.31899 of 2025

Assistant in a sanctioned vacancy that arose due to the retirement of the incumbent. That apart, even it is the claim of the respondents that there has been a surplus, the respondents have not taken any steps to deploy such surplus teachers to the fourth respondent school. Therefore, the appointment of the petitioner in the fourth respondent cannot be found fault. The staff fixation order for the academic year 2019-2020 indicates that there are about 432 students studying in the school which includes Class 6 to 12, which is beyond the minimum strength requirement.

5. For the aforesaid reasons, the writ petition stands allowed and the respondents are directed to approve the appointment of the petitioner as Assistant with effect from 01.12.2021 and to disburse grant in aid towards his salary and other attendant benefits. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

24.11.2025

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



W.P.(MD).No.31899 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,
L.M.S. Girls Higher Secondary School,
Marthandam,
Kanyakumari District
- 5.The Corporate Manager,
CSI Corporate Schools
CSI Diocese of Kanyakumari
No. 71 A, Dennis Street
Nagercoil-629001.



WEB COPY



W.P.(MD).No.31899 of 2025

K.KUMARESH BABU, J.

Sn

W.P.(MD).No.31899 of 2025

24.11.2025