

W.P.(MD)No.30911 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.30911 of 2024
and
W.M.P(MD)No.25989 of 2024

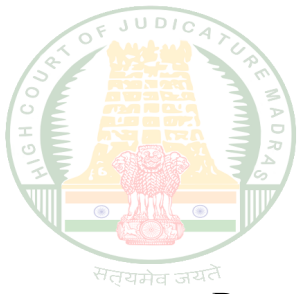
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...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 009.
- 3.The Chief Educational Officer,
Madurai,
Madurai District.
- 4.The District Educational Officer
(Secondary Education),
Melur,
Madurai District.
- 5.The Correspondent,
Virudhunagar Hindu Nadra
Higher Secondary School,
13-A, Palayakuyavarpalayam Road,
Madurai – 625 009, Madurai District.

... Respondents



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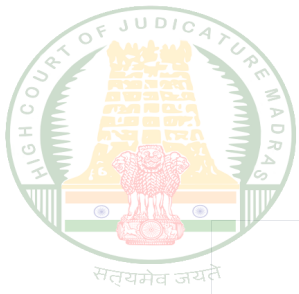
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent District Educational Officer in Na.Ka.No. 2243/a3/2023 dated .03.2023, quash the same and further direct the third respondent Chief Educational Officer herein to approve forthwith the appointment of Petitioner as Watchman w.e.f., 01.03.2021 in the 5th respondent school namely, Virudhunagar Hindu Nadar Higher Secondary School, Palayakuyavarpalayam Road, Madurai and disburse the grant-in-aid towards his salary with all attendant benefits from the said date.

For Petitioner : M/s.A.Amala

For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order issued by the fourth respondent dated --.03.2023 and for a consequential direction to the third respondent to forthwith approve the appointment of the petitioner as a Watchman, who had been appointed in a sanctioned post and to disburse the grant in aid towards his salary with all attendant benefits from the date of his initial appointment.



W.P.(MD)No.30911 of 2024

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2. The learned counsel for the petitioner submits that there are about 1425 students studying in the fifth respondent school and one post of Watchman in the fifth respondent School fell vacant, in which place they had also appointed the petitioner with effect from 01.03.2021. A proposal had been sent to the third respondent through the fourth respondent on 11.06.2021 seeking approval of his appointment and to disburse the grant in aid towards his salary.

3. As there was no response from the respondents 3 and 4, the fifth respondent School sent reminders on 10.03.2022 and 20.06.2022. The said proposal had been returned asking the fifth respondent School to enclose the staff fixation. The School resubmitted the proposal on 01.08.2022. The fourth respondent refused to approve the appointment of the petitioner as Watchman by citing the reason in view of the G.O.Ms.No.238 in Clause 3(x).

4. She submits 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



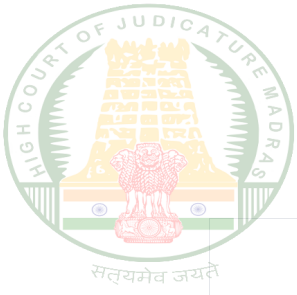
W.P.(MD)No.30911 of 2024

been given and the new appointment has been made. It is incumbent on the part of the respondents to approve the same.

5. She further submits 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. The learned Additional Government Pleader for the respondents 1 to 4 on the other hand submits that the claim of the petitioner had not been rejected in its 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 official respondents.



W.P.(MD)No.30911 of 2024

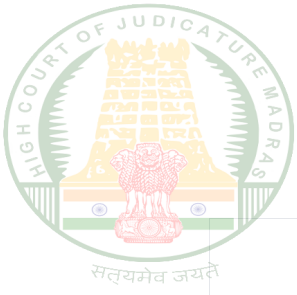
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8. A perusal of the counter affidavit filed by the fourth respondent indicates that the fifth respondent school is eligible for approval to the post of Watchman. All it envisages is that unless and until any further instructions is given by the Director 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.

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.



W.P.(MD)No.30911 of 2024

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

a.The impugned order dated ...03.2023 is set aside.

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

c.On receipt of the same, the third respondent shall grant necessary approval to the post of Watchman 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 Watchman.

13. The writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

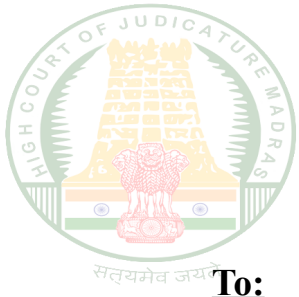
10.09.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

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W.P.(MD)No.30911 of 2024

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W.P.(MD)No.30911 of 2024

K.KUMARESH BABU, J.

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