



W.P.(MD).No.31366 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.31366 of 2024

and

WMP(MD).Nos.26264 and 26265 of 2024

J.Ponselvi

...Petitioner

Vs

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

2. The Chief Educational Officer,
Tirunelveli District at Tirunelveli.

3. The District Educational Officer (Secondary),
Tirunelveli,
Tirunelveli District.

4. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

5. The Correspondent,
CMS Evangelical Suvi David Memorial Higher Secondary School,
Karisal - 627 414,
Tirunelveli 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 proceedings issued by the 4th respondent District Educational Officer, Cheranmahadevi, Tirunelveli District in O.Mu. No.1816/A3/2020 dated 02.11.2020, quash the same, and further direct the respondents to approve the appointment of petitioner as Record Clerk w.e.f., 03.06.2019 in the 5th respondent school namely, CMS Evangelical Suvi David Memorial Higher Secondary School, Karisal, Tirunelveli District and disburse grant-in-aid towards her salary and other monetary benefits, and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. S.Xavier Rajini

For Respondents : M/s.N.Satheesh Kumar,
Additional Government Pleader
For R1 to R4

ORDER

This writ petition is filed challenging the proceedings issued by the 4th respondent in O.Mu. No.1816/A3/2020 dated 02.11.2020 and seeking consequential direction to the respondents to approve the appointment of petitioner as Record Clerk w.e.f., 03.06.2019 in the 5th respondent school namely, CMS Evangelical Suvi David Memorial Higher Secondary School, Karisal, Tirunelveli District and disburse grant-in-aid towards her salary and other monetary benefits.



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2. The learned counsel for the petitioner would submit that the petitioner was appointed as Record Clerk in the 5th respondent school with effect from 03.06.2019 in a sanctioned vacancy due to the retirement of the then incumbent. A proposal had been sent by the 5th respondent school seeking approval of the petitioner's appointment to the fourth respondent. The said proposal was returned and directed the school management to furnish particulars regarding the details of surplus in other schools run by the 5th respondent management. Thereafter, again on 29.03.2023, the 5th respondent school resubmitted the proposal to the third respondent. But, however, the 3rd respondent had refused to approve the appointment of the petitioner by citing that after the deployment process are completed as per G.O.Ms.No.238, School Education Department dated 11.11.2018, the proposal will be considered for the petitioner's appointment as Record Clerk in the 5th respondent school. The apprehension of the petitioner is that the respondents quoting G.O.Ms.No.238, School Education Department, dated 11.11.2018, will hold that in view of the surplus vacancies in other schools, the respondents may not approve the appointment of the petitioner as Record Clerk made by the 5th respondent. He would submit that the 5th respondent's school is a minority school and that the G.O.Ms.No.238



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would not be applicable to the 5th respondent's school, as the same would related to a school with less than student strength of 250 students.

Therefore, he prays this Court to grant direction to the respondents 1 to 3 to grant approval of the petitioner as Record Clerk.

3. Countering his argument, Mr.N.Satheesh Kumar, learned Additional Government Pleader would submit that the apprehension of the petitioner is wholly ill-founded. The 5th respondent's proposal had been returned for certain clarifications and if it is submitted the same would be considered as per the relevant provisions and Government Orders. Therefore, the apprehension of the petitioner need not be a basis for considering the claim of the petitioner.

4. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

5. Admittedly, the 5th respondent school is a minority school. Therefore, they are entitled to have Record Clerk which is also a sanctioned post in the said school. It is also to be noted that the strength of the students in the school is more than 250 and even if the validity of



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the Government Order in G.O.238 is upheld, there can be no impediment in appointing an Record clerk in the petitioner's school.

6. In view of the same, the writ petition stands allowed and the impugned order is set aside and the respondents 3 & 4 are directed to grant approval of the proposal submitted by the 5th respondent school for the appointment of the petitioner as Record Clerk. The said exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.11.2025

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



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K.KUMARESH BABU, J.

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