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W.A.No.3704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.3704 of 2025

I. John Wilson Azariah .. Appellant

Vs.

1. The Director of School Education
DPI Compound, College Road
Chennai – 6.
2. The Chief Educational Officer
Thirupattur.
3. The District Educational Officer
Thirupattur, Thirupattur District.
4. The Correspondent
Concordia Higher Secondary School
Ambur – 635 802, Thirupattur District.

5. Eunice Chandrathayam .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order made in W.P.No.72 of 2023 dated 21.09.2023.

For the Appellant : Mr.S.N.Ravichandran

For the Respondents : Mr.J.C.Durairaj
Additional Government Pleader
for R1 to R4



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JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 21.09.2023 made in W.P.No.72 of 2023.

2. The present appellant was the writ petitioner, who was promoted and appointed as Headmaster of the fourth respondent School, namely the Concordia Higher Secondary School, Ambur, Thirupattur District, by the order dated 06.01.2017. However, on 09.11.2017, the fifth respondent was appointed as the Headmistress (in-charge) of the School by the third respondent, namely the District Educational Officer, Thirupattur.

3. Though the fourth respondent School is a private aided Minority School and the appointment has to be made only by the School Management, in this context, the interim arrangement of Headmistress (in-charge) was appointed by the District Educational Officer directly because of the issue where there has been a dispute in the Management and by virtue of which, there has been two groups; one group supporting the candidature of the appellant/writ



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petitioner and the another group supporting the candidature of the fifth respondent it seems. As a result of which, the District Educational Officer has appointed the fifth respondent as the Headmistress (in-charge) and she had been continuously working by the order dated 09.11.2017.

4. In fact, the said order was challenged by the appellant/writ petitioner in W.P.No.17245 of 2018. The said writ petition was disposed along with a number of writ petitions in a batch of cases by a common order passed by the Writ Court dated 30.10.2019. In the said order, the order impugned in the said writ petition, that is W.P.No.17245 of 2018, on the part of the very same appellant/writ petitioner, has not been touched upon, thereby, the 09.11.2017 order, appointing the fifth respondent as the Headmistress (in-charge) of the fourth respondent School, has been left untouched, thereby, the fifth respondent continuously worked as the Headmistress (in-charge) of the fourth respondent School.

5. However, directions have been given commonly in the said order of the Writ Court dated 30.10.2019, directing the concerned District Educational Officers and the Chief Educational Officers to consider the proposals submitted by the respective



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Schools/Correspondents, where proposals for such appointment approvals are pending, those proposals were directed to be considered on merits. Based on the said directions given by the Writ Court dated 30.10.2019, the proposal or request made on behalf of the appellant/writ petitioner for giving approval of his appointment made by one group of Management, appointing him as the Headmaster with effect from 01.06.2017, having been considered, was rejected by the Chief Educational Officer, Thirupathur Educational District, by the order dated 15.09.2021.

6. It is to be noted that the said order dated 15.09.2021 has become final, as no challenge has been made against the said order passed against the appellant/writ petitioner.

7. Be that as it may, insofar as the fifth respondent is concerned, though she superannuated on 30.06.2022, by virtue of an interim order that has already been passed, she seems to have continued for some time and therefore, even after 30.06.2022, that is from 01.07.2022, the appellant/writ petitioner was not considered to be appointed as Headmaster of the fourth respondent School, despite recommendations having been made in this regard by the interim Administrator of the fourth respondent School, who is none



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other than a Former Judge of this Court.

8. Be that as it may, the appellant/writ petitioner also retired from service on 30.04.2023. Only after his retirement, or before his retirement, he has once again filed the present writ petition, that is W.P.No.72 of 2023, whereby, the very same order dated 09.11.2017, by which the fifth respondent has been appointed as Headmistress (in-charge), has been challenged.

9. The learned Writ Court, having considered all these factual matrix, has rejected the plea raised by the appellant/writ petitioner in the said writ petition on the ground that, the order dated 09.11.2017, which was challenged in the said writ petition, has already been challenged in the earlier writ petition filed by the very same writ petitioner in W.P.No.17245 of 2018, where, the said order dated 09.11.2017 has never been touched upon, therefore, the law would presume that, the 09.11.2017 order has been sustained and when that has been sustained, pursuant to which the fifth respondent has continued in the position of Headmistress, of course, Headmistress (in-charge), till her superannuation that is on 30.06.2022 and even though the 15.09.2022 order, rejecting the plea of the appellant/writ petitioner to recognize him as Headmaster



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with effect from 01.06.2017, having been made, which was not challenged by the appellant/writ petitioner, absolutely, there has been no scope for the appellant/writ petitioner to once again challenge the order dated 09.11.2017 and therefore, the Writ Court has dismissed the writ petition through the impugned order dated 21.09.2023.

10. We have heard *Mr.S.N.Ravichandran*, learned counsel for the appellant/writ petitioner and *Mr.J.C.Durairaj*, learned Additional Government Pleader for respondents 1 to 4.

11. The learned Judge, in fact, has observed that, as the Writ Court in the earlier round of litigation in the common order dated 30.10.2019 since has not passed any orders with regard to the validity of the order dated 09.11.2017 in W.P.No.17245 of 2018, thereby, the plea raised by the appellant/writ petitioner in the first round of litigation against the very same order dated 09.11.2017 since has been rejected, as against which, appeal could have been filed, but, at the same time, no intra-Court appeal since has been filed, the said findings and orders passed by the Writ Court dated 30.10.2019 has become final.



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12. We are in complete agreement with the said view taken by the learned Judge in the order impugned, as the order dated 09.11.2017, appointing the fifth respondent as Headmistress (in-charge) of the fourth respondent School, since has been approved, as no adverse orders have been passed despite specific challenge having been made in this regard in the first round of litigation, once again, the same order cannot be challenged by reagitating the issue by filing the present writ petition, therefore, there is every justification on the part of the learned Writ Court in rejecting the present plea made by the appellant/writ petitioner, thereby, the order passed by the Writ Court dated 21.09.2023 is to approved.

13. That apart, since the appellant/writ petitioner has superannuated on 30.04.2023, a direction has been given in the impugned order by the Writ Court that, he is entitled to get monetary benefits based on his superannuation on 30.04.2023. Therefore, the said direction could be implemented by the official respondents within a period of three months, if not already implemented, from the date of receipt of a copy of this order. Apart from that, the appellant/writ petitioner is entitled to no further



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14. Hence, the appeal fails and is liable to be dismissed. Accordingly, the present appeal is dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (S.S.A., J)
06.01.2026

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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3. The District Educational Officer
Thirupattur, Thirupattur District.



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

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