



WEB COPY

WP No. 10526 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP Nos. 10526 and 10530 of 2024
and WMP Nos. 11540 , 11537 OF 2024**

W.P.No.10526 of 2024

K.Girithar Rao
S/o.K.Kangoji Rao,
No.89, Mariyamman Kovil Street,
Pachakuppam Village,
Vadapudupet Post, Ambur Taluk,
Tirupattur District-635 812.

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. By Its Secretary To Government,
Education Department, Fort St. George,
Chennai-600 009.
2. The Director Of School Education Cum
Primary School Education Officer,
DPI Compound, Nungambakkam, Chennai.
3. The Chief Educational Officer
Thirupathur, Thirupathur District.
4. The District Educational Officer
(secondary Grade) Thirupathur,
Thirupathur District.
5. The Registrar Of Co-operative Societies,
No.170, Nv Natarajan Maaligai, Poonamallee
High Road, Kilpauk, Chennai-600 010.
6. The President,
Ambur Co-operative Sugar Mills Higher
Secondary School, Vadapudupet, Ambur
Taluk, Tirupattur District-635 812.



7. Ambur Cooperative Sugar Mills Higher
Secondary School,
Rep. By Its Secretary, Vadapudupet, Ambur
Taluk, Tirupattur District -635 812.

8. The Head Master
Ambur Co-operative Sugar Mills Higher
Secodnary School, Vadaputhupet, Ambur
Taluk, Tirupattur District-635 812.

..Respondent(s)

WP No. 10530 of 2024

P.Alexandar
S/o.Late.D.Parulraj,
No.200, Ambedkar Nagar,
Kilmurungai Village, Vadapudupet Post,
Ambur Taluk,
Tirupattur District-635 812.

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. By Its Secretary To Government,
Education Department, Fort St. George,
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..Respondent(s)

WP No. 10526 of 2024

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 4th respondent having ref. Na.Ka. No.4882/ Aa3/ 2023 dated 08.02.2024 and quash the same as misconceived and unsustainable and consequently direct the 6th to 8th respondents to comply with the direction issued by this Honourable court by order dated 16.10.2023 passed in W.P. No.13755 of 2021 without waiting for any permission from the 3rd and 4th respondents and complete the selection process for the post of Record Clerk within a time frame.

WP No. 10530 of 2024

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 4th respondent having ref. Na.Ka. No.48823/ Aa3/ 2023 dated 08.02.2024 and quash the same as misconceived and unsustainable and consequently direct the 6th to 8th respondents to comply with the direction issued by this Honourable court by order dated 16.10.2023 passed in W.P. No.13755 of 2021 without waiting for any permission from the 3rd and 4th



respondents and complete the selection process for the post of Night Watchman within a time frame.

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In both cases

For Petitioner(s): Mrs.Nalini Chidambaram for
Mrs.C.Uma

For Respondent(s): Mrs.S. Mythreye Chandru SGP For R1 To R4
Mr. T.Dharani For R6 To R8
Mr.V.Umakanth, GA for R5

COMMON ORDER

The writ petitions have been filed to call for the records of the 4th respondent dated 08.02.2024 and quash the same and consequently direct the 6th to 8th respondents to comply with the direction issued by this Court by an order dated 16.10.2023 passed in W.P. No.13755 of 2021 without waiting for any permission from the 3rd and 4th respondents and complete the selection process for the posts of Record Clerk and Night Watchman within a time frame.

2. It is the case of the petitioner in W.P.No.10526 of 2024 that the petitioner is working as Teacher (PTA) in Ambur Co-operative Mills Higher Secondary School on temporary basis since 20.06.2014 and handling the computer work officially in the said school. The petitioner had passed M.Sc degree in Maths and has also acquired B.Ed degree. However, he was not made



permanent till date. On 24.02.2021, he had received a letter calling him to attend the interview on 03.03.2021 for the post of Record Clerk on permanent basis with a scale of pay Rs.15,900-50,000/-(Level-2) with other allowances.

2.1. Similarly, it is the case of the petitioner in W.P.No.10530 of 2024 that the petitioner is working as Night watchman (PTA) in Ambur Co-operative Mills Higher Secondary School on temporary basis since 20.06.2014. The petitioner had completed 10th Standard and he was not made permanent till date. On 24.02.2021, he had received a letter calling him to attend the interview on 01.03.2021 for the post of Night Watchman on permanent basis with a scale of pay Rs.15,700-50,000/-(Level-1) with other allowances.

2.2. However, stating the Model Code of Conduct for the elections dated 26.02.2021, the interviews were cancelled. Such a cancellation is arbitrary and misconceived. The petitioners had sent a legal notice to the respondents to recall the order of cancellation and select the petitioners on permanent basis.

2.3. The petitioners had also filed writ petitions in W.P.No.6538 and 6545 of 2021 seeking a mandamus directing the respondents to select and appoint him as Record Clerk and Night Watchman on permanent basis on the basis of the certificate issued by the 3rd respondent dated 21.10.2020. The said writ petitions were disposed of on 15.03.2021 by this Court stating that the



petitioners' interest has to be protected and therefore, their status will be continued till such time as regular selection takes place and if the petitioners are selected, they will be appointed on permanent basis.

2.4.The petitioners apprehends that this selection will be delayed and further submit that, since the petitioners had initiated legal proceedings, even if they are called for an interview in order to punish them, they will not appoint them as Record Clerk and Night Watchman on a permanent basis. Since the respondents were not appointing them as Record Clerk and Night Watchman on a permanent basis by issuing instructions to the respondents 6 to 8, the petitioners had come forward to file yet another writ petitions in W.P.Nos.13755 and 13793 of 2021 seeking a mandamus to the respondents 2 to 4 to select and appoint them as Record Clerk and Night Watchman on permanent basis in the 8th respondent School based on the certificate issued by the 4th respondent dated 21.10.2020. This Court, by an order dated 16.10.2023 issued directions to the 6th respondent therein who is 8th respondent herein to resume the selection process and select the suitable person and give the petitioners also an opportunity to participate in the selection process and select appropriate candidates and send the list to the Government for getting approval within a period of six weeks from the date of receipt of a copy of that order.



2.5.Despite the requests to resume the selection process for appointment of Record Clerk and Night Watchman, the respondents have not come forward to do so and the fourth respondent by a letter dated 08.02.2024 has held that the guidelines applicable for filling up the posts Headmasters and PG Teachers should be used for filling up the other posts. This order is totally baseless as there are no guidelines framed for filling up the posts of Record Clerk and Night Watchman. The order would further read that the respondents are proposing to challenge the order passed in W.P.Nos.13793 and 13755 of 2021. Aggrieved by this, the petitioners have come forward with the writ petitions in question.

3.The respondents have filed a counter affidavit, in which, apart from denying the contentions raised in the affidavits filed in support of these writ petitions, they would further submit that the Government has prescribed the norms to sanction Non-teaching posts to the Aided Schools vide G.O.Ms.No.583, Education, Public Health Department, dated 23.04.1966. The respondent would submit that the Government had examined the norms in detail taking into account the present circumstances and revised orders specifying the admissibility of non-teaching posts to be continued in the school and eligibility to retain such non-teaching posts vide G.O.Ms.No.238, School Education Department dated 13.11.2018 and the policy which has been framed in G.O.Ms.No.583, *supra*, was revised in G.O.Ms.No.238, *supra*, since the Government has powers to formulate its policy and issue orders accordingly.



The norms have prescribed the fixed numbers of non-teaching posts in the Government Aided Schools in G.O.Ms.No.238, *supra*. The monthly grant has been paid by the Government and the management has not contributed towards the salary of the employees. Therefore, considering the utility value and the work load, the Government had decided to abolish certain posts after the present incumbent vacate the posts. They would further submit that the seven Record Clerks who were now working are surplus staffs.

3.1. Likewise, with reference to the posts of the Night Watchman, it is their contention that such category was not available and in the case of the petitioner in W.P.No.10530 of 2024, they would submit that the Government has the power to decide and abolish certain categories of non-teaching posts depending upon its actual requirement as they are only providing the monthly grant.

4. Heard the learned counsel on either side and perused the materials available on record.

5. When the matter came up, since the selection process had not been commenced despite the earlier orders of this Court, the learned counsel for the respondents was directed to get instructions as to whether the school could proceed with the selection process, since the respondents 1 to 4 were not



undertaking the selection process and report the same. Mrs.S.Mythreye

Chandru, SGP appearing for the respondents 1 to 4, on instructions would

submit that the petitioner's school can proceed with the selection process.

Recording the same, this writ petition is disposed of accordingly without

discussing the merits of the case. Consequently, connected miscellaneous

petitions are closed. No costs.

06-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssa



P.T.ASHA J.
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To

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The State Of Tamil Nadu
Education Department, Fort St. George,
Chennai-600 009.

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Primary School Education Officer,
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