



WEB COPY

WP No. 12126 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 12126 of 2022

and WMP Nos.11564 and 11567 of 2022

S.Sakarabani
physical Education Teacher,
Concordia High School,
Pernambut- 635 810.

..Petitioner(s)

Vs

1. The Chief Educational officer,
Vellore, Vellore District.
2. The District Educational Officer,
Vellore, Vellore District.
3. The Correspondent / Administrator
Concordia High School, Pernambut.
4. The Headmaster, (in - charge)
Concordia High School, Pernambut.
5. Thiru.Jayaseelan, (Added in Personal Capacity)
Superintendent,
O/o. District Educational Officer,
Vellore.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 1st respondent vide Na.Ka. No. 3329 / Aa3 / 2021 dated Nil 04.2022, and quash the same and consequently direct the 1st respondent to disburse the all consequential and monetary benefits to the Petitioner as Physical Education Teacher in the 3rd



respondent school, w.e.f. 7.6.2017.

For Petitioner(s):

S.N.Ravichandran

For Respondent(s):

Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

The writ petition is filed praying for a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 1st respondent vide Na.Ka. No. 3329 / Aa3 / 2021 dated Nil 04.2022, and quash the same and consequently direct the 1st respondent to disburse all consequential and monetary benefits to the Petitioner as Physical Education Teacher in the 3rd respondent school, w.e.f. 7.6.2017.

2. The impugned order is challenged on the short ground that the order of approval of the appointment of the petitioner as Physical Education Teacher was cancelled, without even putting the petitioner on notice and thereby suppress from gross violation of principles of natural justice.

3. Learned counsel for petitioner would submit that vacancy arose to the post of Physical Education Teacher at Concordia High School, Pernambut on 27.06.2016. Since the said School is a Minority Institution, petitioner was



selected and appointed as Physical Education Teacher vide order dated 07.06.2017 against sanctioned post. Thereafter, School Management submitted a proposal to respondent for approval of his appointment. However, the second respondent rejected the proposal vide order dated 30.05.2018. Aggrieved by the said order, the same was challenged by the petitioner in WP No.17670 of 2018, dated 30.10.2019, the Court disposed of the Writ Petition with the following direction:

“7. Considering the facts and circumstances as well as the submissions made by the learned counsel for the petitioners and since the proposals sent by the Correspondent of Concordia Higher Secondary School seeking approval of the appointment of both teaching and non teaching staff are pending, without going into the merits of the case, this Court directs the Chief Educational Officer arrayed as respondent in all the writ petitions to consider the proposals submitted by the Correspondent of concerned School in the matter of approval of appointment of both teaching and non teaching staff and pass appropriate orders therein within a period of twelve weeks from the date of receipt of a copy of this order, on merits and in accordance with law. The concerned Chief Educational Officer is also directed to obtain views of the interim Administrator appointed by this Court in the matter of approval of the appointments.”



4. Pursuant thereto first respondent vide order dated 12.08.2021 approved the appointment of the petitioner as a Physical Education Teacher with effect from 07.06.2017 at the said School. Despite the approval, petitioner was not disbursed with the arrears of Salary. Aggrieved, petitioner submitted a representation on 28.10.2021. No orders were passed on the said representation, compelling petitioner to file yet another Writ Petition in WP No.8425 of 2022. This Court vide order dated 06.04.2022 disposed of the said Writ Petition with the following direction:

“6. In view of the aforesaid submissions, this Court is inclined to direct the petitioner to produce the Genuineness Certificate to the 2nd respondent, within a period of four weeks from the date of receipt of a copy of this order. If the 2nd respondent is satisfied with the said Genuineness Certificate, he shall disburse the arrears of salary and other monetary benefits to the petitioner, within a period of four weeks thereafter.”

5. While so, the impugned order was passed cancelling the order of approval of appointment. It is this order cancelling the approval of appointment which is challenged on the limited ground that petitioner has not been put on notice.



6. Learned Additional Government Pleader would submit that the reason for not issuing a notice is only in view of the fact that the Authorities were of the view that no purpose would possibly be served even if petitioners were put on notice, inasmuch as petitioner himself admitted his employment under SSA Scheme from the year 2015 onwards. The relevant portion of the impugned order is extracted hereunder:

“Mr.S.Sankarabani also admitted his employment under SSA Scheme from the year 2015 onwards and receipt of salary. Hence, no purpose will be served by granting opportunity to Mr.S.Sakarabani to explain about his employment under SSA Scheme.

In the light of the views expressed by the Administrator in this proceedings, you are directed to cancel the order dated 12.08.2021 approving the appointment of Mr.S.Sakarabani as PET with effect from 07.06.2017 in iELC Concordia High School at Pernambut.”

7. This Court finds that there is merit in the submission of the petitioner, inasmuch as adverse civil consequences would follow pursuant to the impugned order, it is only necessary that petitioner ought to have been afforded an opportunity to be heard, failure would result in violation of principles of natural justice.



8. In that view of the matter, this Court is inclined to set aside the impugned order permit the petitioner to treat the impugned order as notice and submit his objections within a period of two weeks. On such submission, the respondents shall consider the same on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to petitioner, within a period of four (4) weeks thereafter.

9. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

30-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

jv

Note: Issue Order copy on 07.05.2026

To

1. The Chief Educational officer,
Vellore, Vellore District.
2. The District Educational Officer,
Vellore, Vellore District.
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MOHAMMED SHAFFIQ, J.

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