



WEB COPY



W.P. No.13977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.13977 of 2025 and
WMP.Nos.15737, 15738 of 2025 & 529 of 2026

D.Bharath

... Petitioner

Vs

- 1.THE STATE OF TAMIL NADU,
REP BY ITS PRINCIPAL SECRETARY, SCHOOL EDUCATION
DEPARTMENT, FORT ST GEORGE, SECRETARIAT, CHENNAI 600 009.
- 2.THE STATE OF TAMILNADU,
REP BY THE PRINCIPAL SECRETARY, HUMAN RESOURCE
MANAGEMENT DEPARTMENT, FORT ST GEORGE,
CHENNAI 600 009
- 3.THE DIRECTOR OF SCHOOL
EDUCATION, DPI CAMPUS, COLLEGE, ROAD,
NUNGAMBAKAM, CHENNAI 600 006.
- 4.THE JOINT DIRECTOR
(HIGHER SECONDARY), DIRECTORATE OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, NUNGAMBAKAM,
CHENNAI 600 006
- 5.THE CHIEF EDUCATIONAL OFFICER,
COLLECTORATE CAMPUS, VILLUPURAM 605 602.
- 6.THE DISTRICT EDUCATIONAL OFFICER
(SECONDARY) COLLECTORATE CAMPUS, VILLUPURAM 605 602
- 7.GANDHI HIGHER SECONDARY SCHOOL, REP BY ITS SECRETARY,
THIRUCHITRAMBALAM, VANUR TALUK,
VILLUPURAM DISTRICT 605 111

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue Writ of Certiorarified Mandamus calling for records relating to



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the order of the 5th respondent dated 19.03.2025 in Ou. Mu. No. 1629/A1/2025, quash the same and consequently direct the 5th respondent to approve the appointment of the petitioner in the post of PG Assistant (Chemistry) in the 7th respondent school.

For petitioner : Mr.K.Selvaraj

For Respondents

For R1 to 6 : Mrs.Mythreye Chandru,
Special Government Pleader

For R7 : Mr.S.Jegan

ORDER

This Writ Petition has been filed praying to quash the order of the 5th respondent dated 19.03.2025 in Ou. Mu. No. 1629/A1/2025 and consequently to direct the 5th respondent to approve the appointment of the petitioner in the post of PG Assistant (Chemistry) in the 7th respondent school.

2. The learned counsel appearing for the petitioner would submit that the petitioner obtained First Class UG Chemistry degree as well as PG Chemistry degree and B.Ed. degree. The petitioner is working in the seventh respondent school from 10.02.2025. The seventh respondent school is an aided school governed by the Tamilnadu Private Schools (Regulation) Act and it published advertisement in Tamil daily namely Dhinakaran on 25.01.2025 calling for application for the post of Post Graduate Teacher (Chemistry) since a



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post became vacant due to the retirement of an incumbent. The petitioner submitted application along with requisite certificates. That post is only a sanctioned post in the seventh respondent school and thereby the petitioner was appointed on 10.02.2025 itself. The petitioner is continuously working in the said post from that date and the seventh respondent had submitted proposal on 10.02.2025 to the fifth and sixth respondents for grant of approval. However, the same was returned by issuing a direction to the seventh respondent to follow communal rotation. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner further submitted that reservation is applicable to aided school. The petitioner is of a backward class community. The post in which the petitioner was appointed is a single post and no reservation is applicable. If there are several posts vacant in the same school, then rule of reservation has to be followed. In the present case, it is a single post, in which the petitioner was given appointment and rule of reservation is not applicable. Hence, the impugned order of the fifth respondent is not sustainable one. Accordingly, he prayed for appropriate orders.

4. The learned Special Government Pleader appearing for



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Respondents 1 to 6, on instructions, submitted that even for a private aided school, whenever vacancy arises, reservation has to be followed. In the present case, earlier the seventh respondent school filled up one post with BC category and again for other post filling up by BC candidate is not sustainable one. Further, one K.Varaprasath, on resignation of the earlier teacher, was appointed on 22.12.2023 as PG Teacher (Chemistry) and he belongs to BC category. However, he was appointed under BC general turn. Subsequently, the said Varaprasath was appointed as Lecturer in politechnic on 06.10.2024. In that place, the petitioner was appointed as PG Assistant (Chemistry) under BC category, not in general turn. Further, as per GO.Ms.No.241 Personnel and Administrative Reforms (K) Department dated 29.10.2007, as per 200 point roster, communal reservation has to be followed. In the present place, eligible category is SC. Instead of SC category, the petitioner of BC category has been appointed, thereby the impugned order has been passed and it needs no intervention. Accordingly, the learned Special Government Pleader prayed for dismissal of the writ petition.

5. Further, the seventh respondent filed counter stating that since there is only one Post P.G.Assistant (Chemistry) became vacant in this Respondent School, the seventh Respondent has obtained necessary prior



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permission to fill up the said Post and has duly notified the vacancy and called for applications from the eligible candidates. After conducting Interview, the said Respondent selected and appointed the Writ Petitioner as P.G.Assistant(Chemistry) on 10.02.2025. The Writ Petitioner has also joined duty on 10.02.2025 itself and he has been working in the said Post for the past 6 months. The seventh Respondent has submitted the proposal to the Respondents 5 and 6, requesting them to grant approval for appointment of the Writ Petitioner. The seventh Respondent has also recommended to the 5th Respondent on 15.02.2025. However, the 5th Respondent, by Proceedings dated 19.03.2025 has returned the Proposal of the School, stating that the School has to follow Communal Rotation even for the said Post. The Order of the 5th Respondent is challenged in the writ petition, which is against the Provisions of Section 27 of the Tamil Nadu Government Servants(Condition of Service) Act, 2016. It is also against the Provisions of Explanation to Rule 6 of the Special Rules for Tamil Nadu Higher Secondary Education Services provided in [G.O.M.S.No. 14](#), School Education Department dated 30.01.2020. The Hon'ble Supreme Court, in the case of "Post Graduate Institute of Medical Education and Research, Chandigarh vs. Faculty Association & Ors" reported in (1998) 4 SCC 1, held that in the single post cadre, reservation cannot be applied through roster or otherwise. The Hon'ble Supreme Court has also held in the State of Karnataka vs K. Govindappa reported in (2009) 1 SCC 1, that settled



law is that reservation cannot be applied to a single isolated post as it would amount to 100% reservation.

6. Further, the fifth respondent filed counter stating that the Petitioner was appointed as a P.G. Assistant (Chemistry) in the 7th Respondent school by name Gandhi Higher Secondary School, Thiruchitrambalam on 10.02.2025 by the Secretary of the School Committee, in the vacancy caused due to relief of the existing person K. Varaprasad on 06.10.2024. The school of the 7th Respondent is a Non-minority institution Governed by the Tamil Nadu Private Schools (Regulation) Act 1973 and the Rules 1974 framed there under. Hence the 7th Respondent is abide by the Act and Rules and the orders of the Government issued from time to time. The school is enjoying recognition granted by the Department and also receiving staff grant from the Government for the teachers and staff employed in the sanctioned posts. The Government issued orders in G.O. Ms. No.241 Personnel and Administrative Reforms (K) Department dated 29.10.2007 to the effect for the reservation of appointments in Public Services for the fixation of 3.5 percentage for Backward Class Christians and Backward Class Muslims respectively and issued revised roster for 200 point roster with effect from 15.09.2007. The vacancies arising on and from that date be filled up as per the revised roster for 200 points and all selections and appointments shall be started afresh from serial No.1 of the 200 point roster. The Petitioner had stated as the main point in the affidavit that the provisions made under



Section 27 of the Government Servants (Condition of Service) Act 2016 shall apply to the appointments by direct recruitment to all Categories in Class-II (P.G. Assistants in Academic Subjects and P.G. Assistants in Languages) and Category 2 of Class-III of the service where the cadre strength is more than one and the appointments to each category being treated as one unit The explanation to Rule 4 of the Service Rules provides that, for the purpose of the Rule, every Academic subject in Category-1 in Class-II, every language in category 2 in class-II of the Service, shall be treated as separate units. The provisions of Section 27 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 provides as follows:

"27.Reservation of Appointment - Where the Special Rules lay down that the principle of reservation of appointments shall apply to and service, selection for appointment thereto shall be made on the following basis"
And the provisions of 2nd Proviso to Explanation to Rule 27 (f) provides that "if there be one vacancy only, it shall be treated as unreserved"

7. Heard, the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

8. The facts of the case are not in dispute. Admittedly, the seventh respondent school called for application for the post of PG Assistant



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(Chemistry) since the said post became vacant. One, Varaprasath had been appointed in the year 2023. Subsequently, he secured job in polytechnic. Admittedly, the said Varaprasath was appointed under BC category and in that place, the petitioner was appointed. Respondents 1 to 6 claim that the post has to be filled up under SC category in terms of GO.Ms.No.241 Personnel and Administrative Reforms (K) Department dated 29.10.2007. However, in the present case, the post became vacant in the year 2024 and it is a single post. Hence, communal reservation may not apply to the single post.

9. Therefore, the impugned order is set aside. There shall be a direction to respondents 1 to 6 to entertain the approval petition filed by the seventh respondent and to pass appropriate orders within a period of six weeks from the date of receipt of this order.

10. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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