



WEB COPY



W.A.No.3694 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.A.No.3694 of 2025

N.Althaf .. Appellant

Vs.

1. The Commissioner of School Education
DPI Campus, College Road
Chennai – 600 006.
2. The Chief Education Officer
Chennai District, Presidency Girls Higher Secondary School
Egmore, Chennai – 600 008.
3. The District Educational Officer
Chennai East, Middle Higher Secondary School
Triplicane, Chennai – 600 005.
4. The Correspondent
Murthuzaviya Oriental Higher Secondary School
No.12/186, Big Street
Triplicane, Chennai – 600 005. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 06.01.2025 made in W.P.No.14635 of 2021.

For the Appellant : Mr.V.Ragupathy

For the Respondents : Mr.J.C.Duraiaraj
Additional Government Pleader
for R1 to R3



W.A.No.3694 of 2025

WEB COPY

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 06.01.2025 made in W.P.No.14635 of 2022.

2. That the appellant was the writ petitioner, who was appointed as an Office Assistant in the fourth respondent School with effect from 26.10.2020 in the vacancy that has been caused by the incumbent one *T.M.Humayun* on 31.01.2020. It was a sanctioned post and the fourth respondent is a Minority Institution and a recognized one, getting aid from the Government. When the appointment was forwarded to the official respondents for approval, the same was rejected by the District Educational Officer by the proceedings which was impugned before the Writ Court.

3. The reason for such rejection was that, before making an appointment, even in a non-teaching staff post, prior approval must have been obtained, which is reiterated in the Government Order made in G.O.Ms.No.238, School Education Department, dated 13.11.2018. That apart, insofar as the filling up of the posts of non-



W.A.No.3694 of 2025

teaching staff by aided recognized Schools, such posts should be filled up only on the basis of the excess Teachers available in the Revenue District and that, first, that has to be explored and then only the direct recruitment from the open market candidates should be made by the School Management concerned. These are the two reasons for which the approval has been rejected.

4. When this was challenged, the learned Writ Court, having considered the factual matrix as well as the legal position, has wrongly applied the provisions of the Act, as well as the import of G.O.Ms.No.238 dated 13.11.2018 and has come to the conclusion that, the Government have the constitutional right to revise the norms formulated several decades ago on the basis of the present circumstances and it has got the power of prescribing norms for retaining the non-teaching posts that are sanctioned to Schools and withdraw the existing non-teaching posts and on that ground, there has been no right for the School or the Teacher concerned to seek for approval of the appointment as non-teaching staff in the fourth respondent School even though it being a Minority Recognized Aided School.

5. When this was questioned, after hearing *Mr.V.Ragupathy*,



W.A.No.3694 of 2025

the learned counsel for the appellant and *Mr.J.C.Durairaj*, learned Additional Government Pleader appearing for respondents 1 to 3, we are of the view that, since the law has been well settled, where, the Tamil Nadu Private Schools (Regulation) Act, 2019 and the Rules made therein would not apply to Minority Schools insofar as prior approval issue is concerned, as such prior approval is not required in making appointment of a non-teaching staff in a sanctioned post in a Minority Aided School.

6. That apart, the erstwhile position was that, even in respect of Non-Minority Schools, insofar as the appointment in non-teaching staff, such prior permission was not required. Even though that position was changed by issuance of G.O.Ms.No.238 or any other Government Orders or Executive Orders made under Article 162 of the Constitution of India r/w Article 309 of the Constitution of India, that would not alter the legal position which has been declared so by several judgments of the law Courts based on the law having been declared in right of the Minority Institutions, whereby, prior approval is not required, that too, for appointment of a non-teaching staff, such pre-condition cannot be imposed by the official respondents as a condition precedent to make approval of the appointment made in the Minority Aided Recognized Institution like



W.A.No.3694 of 2025

the fourth respondent School.

WEB COPY

7. Therefore, the reasons given by the learned Judge in the impugned order, rejecting the plea raised by the appellant/writ petitioner, is not acceptable and therefore, it requires interference at our hands. Accordingly, the impugned order is liable to be set aside and hence, it is set aside, as a result of which, the order impugned before the Writ Court is also liable to be set aside and it is set aside and there shall be a direction to the official respondents to consider the request made by the fourth respondent School for approval of the appointment of the appellant/writ petitioner and such approval order shall be made after the appellant/writ petitioner is otherwise eligible to hold the post from the date of initial appointment and it is needless to mention that once such approval is given, the appellant/writ petitioner would be entitled to get all service benefits, including monetary benefits with backwages, from the date of the initial appointment, which shall be calculated and be paid to the appellant/writ petitioner.

8. The needful as indicated above shall be undertaken within a period of three months from the date of receipt of a copy of this order.



WEB COPY



W.A.No.3694 of 2025

9. The writ appeal, as such, is allowed. There shall be no order as to costs.

(R.S.K., J.) (V.L.N., J)
05.01.2026

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

(drm)



W.A.No.3694 of 2025

WEB COPY

To:

1. The Commissioner of School Education
DPI Campus, College Road
Chennai – 600 006.
2. The Chief Education Officer
Chennai District, Presidency Girls Higher Secondary School
Egmore, Chennai – 600 008.
3. The District Educational Officer
Chennai East, Middle Higher Secondary School
Triplicane, Chennai – 600 005.



WEB COPY



W.A.No.3694 of 2025

R. SURESH KUMAR, J.
AND
V. LAKSHMINARAYANAN, J.
(drm)

W.A.No.3694 of 2025

05.01.2026