



WA No. 199 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 199 of 2026 AND
CMP NO. 1797 OF 2026**

1. The District Elementary Educational Officer
Office of the District Educational Officer,
Nagapattinam-611 003.
2. The Block Educational Officer
Keelaiyur Block,
Keelaiyur PO,
Nagapattinam 611 103.

..Appellant(s)

Vs

1. G.Anusuya
W/O.Ganapathy,
Vairavan Kadu Street, Kameswaram (P.O)
Kizhvelur Taluk, Nagapattinam 611 110.
2. The Correspondent
St. Sebastians Aided Primary School,
Kameswaram East, Kilvelur Taluk,
Nagapattinam 611 110.
3. T.Vijila, Aided Primary School,
VettaikkaranIrruppu, Keelaiyur Block,
Nagapattinam (Dt)

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 03.03.2025 made in W.P.No.31028 of 2024.



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For Appellants:

Mr.J.C.Durairaj
Additional Government Pleader

For Respondents :

Mr.R.Subramanian
for Mr.B.Ravi – for R1
Mr.T.Sezhian – for R2
Mr.K.Kamesh – for R3

Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the Writ Court dated 03.03.2025 made in W.P.No.31028 of 2024.

2. The first respondent / writ petitioner filed the said writ petition seeking to quash the order dated 06.09.2024, whereby the first appellant, who stood as the first respondent in the writ petition rejected the proposal for approval of appointment of the writ petitioner as Secondary Grade Teacher. The institution was a minority run institution and therefore there is no necessity under the Act to get prior approval for filling up the post which has become vacant.

3. In the vacancy caused in a permanent post because of the retirement of one Thenmozhi, secondary grade teacher, the first respondent / appellant was appointed by the school by appointment order dated 24.06.2024 and when the said proposal was sent for approval, it has been rejected on the ground that earlier a teacher has been sent to the school by way of re-deployment and the teacher has



not joined in the school. Though a stand was taken by the school that, in order to fill up a vacancy as the vacancy cannot be kept idle without being filled up as it would affect the students studying in the school, that has been filled up by appointing the first respondent / appellant through the order dated 24.06.2024, it was rejected by the order dated 06.09.2024 passed by the first respondent. Challenging the said order, the writ petition came to be filed.

4. The writ Court after having considered this factual matrix as well as the legal position in view of Section 28(2)(a) of the Tamil Nadu Private Schools Regulation Act, 2018 has come to the conclusion that, insofar as the non-communication of the non-joining of the deployed teacher cannot be a reason attributable for rejecting the proposal for approval of the appointment sent by the school, where the first respondent / appellant was appointed, who is otherwise eligible to hold the post of secondary grade teacher in the vacancy caused due to the retirement of one Thenmozhi.

5. When that being the position, the writ Court having considered the factual matrix as well as the legal position has passed the following order.

" 6. In view of the above~mentioned reasons, the impugned order is set aside and a direction is issued to the third respondent/School to communicate to the first respondent that the fourth respondent did not join duty in the School and on receipt of such communication, the first respondent may pass appropriate



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orders regarding the approval of the petitioner-s appointment to the third respondent/School within a period of three months from the date of receipt of such communication. Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs."

6. Challenging the same, though this writ appeal has been filed at the instance of the appellants, after hearing the learned Additional Government Pleader appearing for the appellants, we are not impressed with the grounds urged against the impugned order passed by the Writ Court for the simple reason that, since it is a minority institution, where the post has already been sanctioned and the same has become vacant because the incumbent retired from service. If the re-deployed teacher did not join, the management of the institution cannot wait indefinitely as that would affect imparting of education to the students who are studying in the school. Therefore, the management has got every right to appoint eligible teacher and that is how the appointment has been made on 24.06.2024 and the same ought not to have been rejected by the officials concerned. Hence, the rejection made by the appellants by order dated 06.09.2024 cannot be sustained and accordingly the same was set aside by the learned Judge through the impugned order.

7. The said view taken by the learned Judge and the conclusion reached by him since cannot be found fault with. Hence, we are not inclined to entertain the



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appeal filed by the appellants herein and the appeal is liable to be dismissed. Accordingly, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. The order dated 03.03.2025 made in W.P.No.31028 of 2024 shall be complied with by the appellants within a period of three months from the date of receipt of a copy of this order.

(R.S.K.,J.) (S.S.A.,J.)
05-02-2026

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

KST

To

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