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W.A.No.487 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE N. SENTHILKUMAR

W.A.No.487 of 2026

1. The State of Tamil Nadu
Rep. By its Secretary
Department of School Education
Fort St. George, Chennai – 600 009.

2. The Director of School Education
College Road, Chennai – 600 006.

3. The Chief Educational Officer
Salem District, Salem – 636 001.

4. The District Educational Officer
Salem – 636 001.

.. Appellants

Vs.

The Manager
RC Schools, The Salem Diocese Society
Mary Palace, No.63, Thammannan Road
Salem – 636 009.

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.17783 of 2018 dated 27.02.2025.

For the Appellants : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.J.C.Durairaj
Additional Government Pleader

For the Respondent : Mr.P.Godson Swaminath
Assisted by Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers



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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 27.02.2025 made in W.P.No.17783 of 2018.

2. The respondent was the writ petitioner, who was a minority-run Secondary School, originally started in the year 1939 and thereafter, it has been upgraded as a Higher Secondary School in the year 1978. Classes for the Secondary School is from 6th to 10th Standard and for Higher Secondary School, it is 11th and 12th Standard.

3. The total students' strength was 2266 at that time and the School was entitled to have 6 posts of Physical Education Teachers as per the Government Order which was in vogue, that is G.O.Ms.No.525, School Education (D1) Department, dated 29.12.1997. However, the Department refixed the staff strength by reducing the posts of Physical Education Teachers into 2.

4. The third Physical Education Teacher since has been appointed, the said appointment has been denied for approval.



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However, the fact remains that, even the current students' strength is 1718 and therefore, as per G.O.Ms.No.525, 1 Physical Education Teacher for the first 250 students and thereafter, 1 Physical Education Teacher would be entitled for further 300 additional students, to the maximum of 3 Physical Education Teachers.

5. Here, in the case in hand, if that principle, as enunciated in G.O.Ms.No.525, is applied to the facts of the present case, as the School is having the total students' strength of 1718, the School would be eligible to have a maximum of 3 Physical Education Teachers as permitted under the said Government Order.

6. When this being the position, the third Physical Education Teacher appointed by the School cannot be denied to be approved by the Department of School Education and therefore, the order passed in this regard since had been questioned before the Writ Court, the learned Writ Court, having considered the factual matrix as well as the import of G.O.Ms.No.525 and also taking into account the orders passed by a Division Bench of this Court in W.A.No.226 of 2009 in the matter of ***The Director of School Education and Ors. vs. K.Uma***, has allowed the said writ petition, as against which, the present intra-Court appeal has been directed.



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7. *Mr.R.Neelakandan*, learned Additional Advocate General would submit that, as to whether if a School having the students' strength of more than 250 and the further 300 additional students would be entitled to have 1 post of Physical Education Teacher or not is a complicated question to be answered, as there are divergent views of two Division Benches. Therefore, at this juncture, the view taken by the learned Judge through the order impugned cannot be a final one and hence, the learned Additional Advocate General appearing for the appellants wants this appeal to be admitted and be referred to the Full Bench for an authoritative pronouncement.

8. We do not agree with the said view expressed by the learned Additional Advocate General appearing for the appellants for the simple reason that, there is no ambiguity in the import of G.O.Ms.No.525, which entitles the Schools to have maximum of 3 Physical Education Teachers if the strength of the students goes $250+300+300$. Therefore, whatever be the strength beyond 850, the maximum posts of Physical Education Teachers permissible would be 3.



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9. Here, in the case in hand, the School is having the strength of 1718 and therefore, certainly, it would be entitled to have 3 Physical Education Teachers and hence, the denial of approval of the third Physical Education Teacher in this regard by the appellants cannot be accepted. This position can be culled out from the very import of G.O.Ms.No.525 itself, for which, there is no need for giving any new interpretation by the Law Courts, as the very Government Order issued in this regard itself would enable the Schools to have a maximum of 3 Physical Education Teachers if the students' strength crosses 850.

10. Therefore, we do not have any proposal to refer the matter to the Full Bench, as we are in complete agreement with the view expressed by the learned Judge through the order impugned, thereby, allowing of the writ petition through the order impugned is fully sustained and a justifiable one.

11. As a result, this appeal fails and hence, it is dismissed without any costs. The orders passed by the Writ Court through the order impugned shall be complied within a period of two months



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from the date of receipt of a copy of this order. Consequently,

C.M.P.No.4784 of 2026 is closed.

(R.S.K., J.) (N.S., J)
10.03.2026

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

Internet:Yes/No

Index:Yes/No

(drm)



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To:

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R. SURESH KUMAR, J.
AND
N. SENTHILKUMAR, J.

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