



W.A(md)No.41 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 10.02.2026

Pronounced on : 18.02.2026

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

WA(MD)No.41 of 2026

and

C.M.P(MD)Nos.508 and 509 of 2026

R.Mekala

Appellant/
Writ Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai-6.

2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

3.The District Educational Officer(Secondary)
Sivakasi,
Virudhunagar District.

4.The Secretary,
T.N.P.M.Marimuthu Nadar Higher Secondary School,
Thalavaipuram-626 188,
Rajapalayam Taluk,
Virudhunagar District.

Respondents/
Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order of this Court dated 09.01.2026 in WP(MD). No.9729 of 2025.

For Appellant(s) : Mr.S.N.Ravichandran
For R1 to R3 : Mr.J.Ashok, AGP,
For R4 : Mr.V.Panneerselvam

JUDGMENT

(Judgment of the Court was delivered by DR.G.JAYACHANDRAN,J.)

This intra Court appeal is directed against the order passed by the learned single Judge in W.P(MD)No.9729 of 2025 dated 09.01.2026.

2.The appellant/writ petitioner is a Teacher working as B.T assistant Tamil in T.N.P.M. Marimuthu Nadar Higher Secondary School, Thalavaipuram. She has been in service since 1989. Initially, she was appointed as Secondary Grade Teacher and later on completing B.Lit. (Tamil), M.A(Tamil) and B.Ed., Tamil, she was promoted as B.T Assistant Tamil in the same School. Having in possession of P.G degree, she is qualified /promoted to the post of P.G Assistant Tamil. When the incumbent retired on superannuation on 31.05.2023, a vacancy arose in the said School to fill up the post of P.G Assistant Tamil. The appellant, being fully qualified and eligible for the said post, had sought for a promotion as per the existing



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Service Rules. When any vacancy arises for the post of Teacher, the management has to first fill it up from the surplus Teacher available for deployment and if there is no surplus Teacher available, then the management has to promote any of the eligible and qualified working candidates in the school and as a last option, if there is no candidate available under the above two or more, then the management can resort to fill up the vacancy by way of direct recruitment. As far as the case of the T.N.P.M.Marimuthu Nadar Higher Secondary School, in which, the appellant/writ petitioner is serving, three in-house candidates are qualified and eligible for promotion, since two of them relinquished, the only candidate fully qualified and eligible was the appellant/writ petitioner. To deprive her right of getting promotion, the management has sought for promotion to fill up the vacancy by direct recruitment. With that intention, notification calling application for direct recruitment to the post of P.G Assistant Tamil has been published. Challenging the said impugned notification dated 26.03.2023 published in Thinathanthi News Paper Tamil, the writ petition has been filed.

3.The management had contested the writ petition stating that the Committee was constituted by the School Management to assess the suitability of in-house candidate, since other two Teachers who were also



eligible and relinquished their right of promotion. The appellant/writ petitioner was called for assessment of her merit and ability by the Expert Committee. When the appellant/writ petitioner was asked to take class to the 10th Std., students on a particular topic, the Committee members who also present while the appellant/writ petitioner took class for the student, found that she is not fit for promotion. The report of the Expert Committee was accepted by the School Management and only thereafter, the impugned notification was issued after getting necessary permission from the authorities concerned. They received 5 sponsored candidates from the employment exchange and still more have applied based on the notification. Stating that there is no illegality in the process of selecting candidate to fill the post of P.G Assistant in their institute, sought for dismissal of the writ appeal.

4.The Government also in support of the management had contended that even if the candidate is qualified and eligible for being promoted, merit and ability is the criteria for promoting an in-house person. Besides the seniority, since the management has found the appellant/writ petitioner lacks merit and ability, as a matter of right, she cannot seek for promotion on the ground that she is the only eligible in-house candidate.



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5.The learned Single Judge, after considering the rival submissions, held that for promotion to the post of P.G Assistant Tamil, only if the candidate satisfies the merit and ability criteria in the assessment of the management, she will be entitled for the promotional post and in the view of the management, if she fails to fulfil the criteria of the merit and ability, she cannot, as a matter of right, claim promotion. Since she has been found not fulfilling the criteria of merit and ability, after evaluating her while taking a session for the students, she has been found lack of merit and ability in the promotional post. Therefore, the learned single Judge dismissed the writ petition stating that no material has been placed on record with regard to the infirmity or arbitrariness in the assessment made by the Expert Committee.

6.The appellant, in her appeal, has specifically contended that Rule 28(2)(a) of the Tamil Nadu Private Schools (Regulation) Rules 2023, postulate the method of recruitment for teaching staff. The Rule clearly states that if any teaching post falls vacant in the aided school, then it has to be filled up by way of deployment of the Teacher from the other aided School and if no candidate is available in the category of deployment, then it has to be filled up by way of promotion. Only if no candidate eligible for the post is available, the management can go for direct recruitment by advertisement,



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after getting prior permission from the competent authority under Section 35(2) of the said Act. In this case, when the appellant/writ petitioner possesses necessary qualification and eligibility, her candidature cannot be ignored on the ground that she has not fulfilled the criteria of merit and eligibility.

7.In the course of argument, the learned counsel appearing for the management submitted that the Expert Committee, for assessing the merit and ability of the appellant/writ petitioner, asked her to take a class of 'Nattrinai' to the 11th Std., students, but her performance was not up to the expected standard. Hence, the Expert Committee recommended for rejecting her candidature. On the basis of the recommendation of the Export Committee, the management thought it fit to fill the post by the third method, ie., direct recruitment, after getting permission from the competent authority.

8.The learned counsel appearing for the appellant repeatedly submitted that the appellant has been in service of the fourth respondent School since 1989 and she had been continuously taking class for students as B.T Assistant ever since she was promoted as B.T Assistant Tamil. Since there is a vacancy in the post of P.G Assistant, she had been asked to take class for them for 11th and 12th Std., by the management as a subject gap



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arrangement and she has been continuously discharging her duty with the satisfaction of the management, but for some extraneous consideration, her candidature was rejected citing that she lacks merit and ability to handle 11th and 12th Std. He further submitted that the appellant had demonstrated her merit and ability, when she was asked to take class of “Nattrinai”(நற்றிணை). However, the management with an ulterior intention, had rejected her candidature.

9.This Court found force in the submission made by the learned counsel appearing for the appellant. When we posed a question to the learned counsel appearing for the management, how the merit and ability of the candidate was assessed by the Expert Committee during the interaction of the candidate with the students, the learned counsel immediately responded that the entire process has been video-graphed and took time to produce the video clipping.

10.A pen-drive containing video clipping was produced before us and we saw the video clipping which runs 22 minutes. We find that the appellant/writ petitioner had properly explained for about 15 minutes to the students about the topic 'Nattrinai' (நற்றிணை), as well as the verse which is part of 11th Std., General Tamil syllabus of 8 members of Expert Committee,



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who were present in the class room, one of them had interacted with the students and another had interacted with the candidate viz., the appellant/writ petitioner and they have supplemented some more information about the topic.

11.We do not find anything to hold that the appellant/writ petitioner fails to satisfy the criteria of merit and ability. In fact, we found that she had introduced the topic to the students not as a monologue, but in a interactive mode with the students and after that, she has explained the verse and again she had involved the students with interaction and concluded her session. Few areas, which she has not touched upon, were highlighted by the Committee members during their interaction. It does not mean that she lacks merit and ability to take class. As a Teacher, she has adopted the traditional Black Board Method as well as the Modern Interaction Method to explain the Tamil Literature of the Sangam period within a short period of 15 minutes. What perhaps could have disturbed the Committee, the prelude she had given before going to the topic. She in fact recorded her frustration for testing her merit and ability.

12.We are aware that the Court cannot substitute the decision or wisdom of the Expert Committee. But in this case, to assess the merit and



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ability of a Teacher, who had already put upto nearly 30 years of service, the 8 Expert Committee members were present in the class and they have attempted to amplify one or two omission in the topic to conclude that the appellant lacks merit and ability. After seeing the video clipping, we firmly believe that their opinion about the candidate is tainted with malice and a fit case to interfere.

13. With the above observation, this Writ Appeal stands allowed. No order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
18.02.2026

Index : Yes/No
Internet : Yes
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