



W.A(MD)No.368 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.368 of 2026
and
C.M.P(MD)No.3367 of 2026**

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

3.The District Educational Officer,
Marthandam,
Kanyakumari District.

... Appellants/Respondents 1 to 3

vs.

1.S.L.Angel Niruba

...1st Respondent/petitioner

2.The Correspondent,
Abraham Memorial Higher Secondary School,
Maruthancode-629 163,
Kanyakumari District.

... 2nd Respondent/4th Respondent



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PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.02.2025 made in W.P(MD)No.2979 of 2025.

For Appellants	: Mr.J.Ashok Additional Government Pleader
For R1	: Mr.K.Ragadheesh Kumar for M/s.Isaac Chambers
For R2	: Mr.T.Cibi Chakraborty

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

The present Writ Appeal has been filed by the respondents 1 to 3 in the writ petition, challenging the order passed by the learned Single Judge, whereby the impugned order of the second respondent dated 04.11.2024 was quashed and the matter was remanded to the second respondent for fresh consideration.

2. The writ petitioner was appointed as a Lab Assistant in the fourth respondent School on 03.06.2019. A proposal seeking approval for the said appointment was submitted to the second respondent. However, the same was rejected by the second respondent through the impugned order on the ground that the appointment had been made without adhering to the Rules and Regulations



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and that prior permission had not been obtained as mandated under Rule 15(4)(c) of the Tamil Nadu Private Schools (Regulation) Rules, 1974.

3. The learned Single Judge, upon consideration of the judgment of the Division Bench in ***W.A. No.900 of 2007 dated 30.04.2008*** in the case of **R. Kuttiswamy vs. Joint Director of School Education and others**, held that the applicability of Rule 15 is confined to teaching staff and cannot be extended to non-teaching staff such as a Watchman. A similar view has also been taken by another Division Bench of this Court in W.A.No.4011 of 2019. The First Bench of this Court has further held that prior permission is not required even in respect of non-teaching staff. The relevant portion is extracted hereunder:

“6. We have considered the submissions raised and we find that the provisions of Rule 15(4) of the 1974 Rules, does not specify the applicability of the Rule of prior permission in relation to the appointment of a non-teaching staff of an Aided High or Higher Secondary School. In the instant case, the issue is about the appointment of a Lab Assistant, which is admittedly a non-teaching post. We, therefore, find that in the absence of any such specific intention in the Rule, to apply the same for seeking a prior permission to appoint a non-teaching staff would be contrary to the



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*ratio of the judgment in the case of **R.Kuttiswamy** (supra) as relied on by the respondent that is squarely applicable. We see no reason to differ from the view taken therein in relation to appointments against non-teaching posts that have been made prior to the issuance of G.O.Ms.No.101 dated 18.05.2018. The judgment in the case of **The Director of Elementary Education and others Vs. P.Manikandan and another (Supra)** was in relation to the appointment of a teacher and not a non-teaching staff. The ratio thereof is, therefore, distinguishable and not applicable in the present case. Accordingly, no prior permission was required in the present case for appointing the respondent/writ petitioner as a Lab Assistant.”*

4. We do not find any merit in this appeal and the same is liable to be dismissed. Accordingly, the Writ Appeal stands dismissed. The second respondent is directed to reconsider the matter afresh and pass appropriate orders. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
17.03.2026

NCC : Yes / No
Index : Yes / No
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and
M.JOTHIRAMAN,J.

am

ORDER MADE IN
W.A(MD)No.368 of 2026

DATED : 17.03.2026