



W.P.(MD) No.25880 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
04.11.2025	09.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.25880 of 2025 &
W.M.P.(MD).Nos.20244 & 20245 of 2025

The Correspondent,
St., Joseph's Higher Secondary School,
Thirithuvapuram – 629 163
Kanyakumari District.

... Petitioner

-vs-

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 – 600 009.

3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District – 629 001.

4.The District Educational Officer,
Marthandam – 629 165
Kanyakumari District.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the fourth respondent DEO in Oo.Mu.No. 0810/Aa2/2024, dated __.03.2024 (signed on 30.04.2024), quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of A.Chithra as PG Assistant (Tamil) in the petitioner school w.e.f., 14.06.2021 with all attendant benefits including arrears of salary, and pass such further other suitable orders.

For Petitioner : Mr.K.Ragatheesh Kumar for
M/s.Issac Chambers

For Respondents : Mr.N.Satheesh Kumar A.G.P.,

ORDER

This Writ Petition had been filed to quash the impugned proceedings issued by the fourth respondent DEO, dated __.03.2024 (signed on 30.04.2024), and to direct the 3rd and 4th respondents to approve forthwith the appointment of A.Chithra as PG Assistant (Tamil) in the petitioner school w.e.f., 14.06.2021 with all attendant benefits including arrears of salary.

2. Heard Mr.K.Ragatheesh Kumar, the learned counsel appearing for the



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petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that on 14.06.2021, the petitioner had appointed one Mrs.A.Chithra as P.G. Assistant (Tamil) in a vacancy that arose in a sanctioned post due to the death of the incumbent Teacher. A proposal was forwarded by the petitioner enclosing all the relevant documents including the educational qualification, staff fixation order. By communication dated 20.07.2023, the third respondent had returned the proposal seeking for further additional particulars which was also complied with by the petitioner. By a further communication additional information was sought for by proceedings dated 12.02.2024, and the same was also complied with. Again under the impugned communication, the fourth respondent had called upon the petitioner to produce the staff fixation order for the academic year 2022-23 & 2023-24, enclosing particulars regarding the steps taken for promotion of the B.T. Assistants working in the same Corporate Management, furnishing the recognition certificate as on date of all the listed schools and give details of various staffs working under the Corporate Management of other schools of

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which the petitioner's school is also a part off.

4. He would contend that the petitioner's school being a minority institution has a freedom to appoint its own teacher who have all the necessary qualifications. He would further contend that as the petitioner had appointed a P.G. Assistant (Tamil) on 14.06.2021, there was no necessity to call for the staff fixation order of the subsequent years which would not have any impact on the appointment that was made earlier. He would further submit that there has been no complaint by any B.T. Assistant Teachers working in the petitioner's school or in the schools under the corporate management of which the petitioner's school is part of. Hence there is no necessity to seek for such particulars. He would submit that the respondents are only attempting to prolong the proceedings and avoid the payment of to grant-in-aid benefits to the appointed Teachers and hence, he seeks indulgence of this Court to quash the order with a direction to the respondents to approve the appointment of the P.G. Assistant (Tamil) made by the petitioner's school w.e.f., 14.06.2021 and also direct the respondents to pay all attendant benefits that arise out of the grand-in-aid for the said post.



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5. Countering his arguments, the learned Additional Government Pleader appearing for the respondents would submit that there has been no order of rejection that had been passed by the respondents and all that the respondents have done is to direct the petitioner to produce the details to arrive at a conclusion that the appointments have been made in a proper manner and there has been no surplus teachers working in the petitioner's school or schools in the corporate management of which the petitioner's school is part of. Without furnishing those details, the petitioner is attempting to get the approval sanctioned by getting a positive direction from this Court. Hence, he would submit that there is no necessity to quash the order impugned herein as prayed for as and when the petitioner submits the required documents as sought for, the respondents would consider the proposals submitted by the petitioner and pass appropriate orders.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

7. It is the claim of the petitioner that it had made an appointment of P.G. Assistant (Tamil) in a vacancy that arose in a sanctioned post due to the death of the incumbent. The appointment is said to have been made on 14.06.2021, which



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falls within the academic year 2021-22. Hence, this Court is not able to comprehend as to why there was a direction by the fourth respondent to produce the staff fixation order of 2022-23 and 2023-24, which fall after the academic year in which the petitioner had made the said appointment.

8. As rightly pointed out by the learned counsel appearing for the petitioner that the same at any stretch of imagination could not be put against an appointment made in the previous academic year.

9. The further requirement to produce the list of B.T. Assistants, who were entitled to be promoted along with their relinquishments, is also improper as it is not the case of the respondents that they had received complaints against the petitioner for failing to fill up the post by promotion or there is any challenge to the appointment made by the petitioner by any of the B.T. Assistants working in the petitioner's school or in the schools under the Corporation Management of which the petitioner is also a part of. Similarly, there is also no necessity to call for particulars of teaching and non-teaching staffs working in the Corporate Management of which the petitioner's school is part of. It would suffice to direct



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the petitioner to produce certificate of the Corporate Manager of which the petitioner's school is part of, certifying along with a certificate indicating the status of surplus teacher of schools within its Corporate Management.

10. In such view of the matter, the Writ Petition is allowed and the impugned proceedings dated –.03.2024 (signed on 30.04.2024) issued by the fourth respondent is set aside with a direction to the petitioner to resubmit the proposal of appointment of a P.G. Assistant (Tamil) that they had made on 14.06.2021. On the resubmission of said proposal, the third respondent is directed to consider the same on merits and in accordance with law on the basis of the staff fixation order for the academic year 2021-22 of the petitioner along with the certificate that would be issued by the Corporate Management of which the petitioner's school is part of in respect of the surplus teachers, if any available in such Corporate Management for the academic year 2021-22 and pass orders on merits and in accordance with law. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
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To

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K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY ORDER
IN

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