



WEB COPY



W.P. No.1234 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.1234 of 2026

and

W.M.P. No.1430 of 2026

N.Ganesh Kumar

Petitioner

Vs

1. The Chief Educational Officer
Perambalur district

2.The District Educational officer
(Secondary), Perambalur,
Perambalur District.

3.The Secretary
Nehru Higher Secondary School,
Eraiur , Perambalur district

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Mu.Mu.No. 037/ A2/ 2025 dated 5.06.2025 and quash the same and direct the respondents to approve the promotion of the petitioner as a P.G . Assistant with effect from 7.10.2024 with all consequential benefits

For Petitioner : Mr.V. Panneer Selvam
for

M/s.C.S. Associates

For Respondents: Ms. Mythreye Chandru
Spl. Govt. Pleader



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ORDER

This writ petition has been filed seeking quashment of the order passed by the 2nd respondent in his proceedings in Mu.Mu.No. 037/ A2/ 2025 dated 5.06.2025 and direct the respondents to approve the promotion of the petitioner as a P.G . Assistant with effect from 7.10.2024 with all consequential benefits.

2. Brief facts :

a) It is stated that the petitioner was initially appointed as a Sweeper in the 3rd respondent private aided school on 20.12.2017, and the said appointment was duly approved by the competent authorities. The petitioner possesses the requisite educational qualifications for appointment to the post of P.G. Assistant (Economics).

b) While so, one post of P.G. Assistant (Economics) fell vacant in the 3rd respondent school due to the retirement of Tmt. Kowsalya on 30.04.2024. Since the petitioner was the only qualified person available in the school, the management, in accordance with the Tamil Nadu Recognized Private Schools (Regulation) Act and Rules, promoted the petitioner as P.G. Assistant (Economics) on 07.10.2024 and forwarded the proposal for approval to the 2nd respondent.

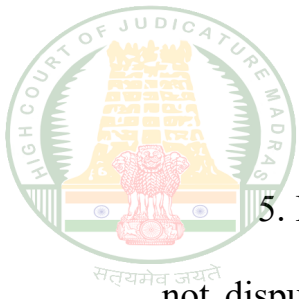
c) After exchange of several communications, the 2nd respondent rejected the proposal on 05.10.2025, citing the Special Rules for Tamil Nadu Higher



Secondary Educational Service. Aggrieved by the same, the petitioner has approached this Court by filing this writ petition.

3. Learned counsel for the petitioner submitted that the Special Rules for Tamil Nadu Higher Secondary Educational Service are not applicable to private aided schools, and the service conditions of teaching and non-teaching staff of the 3rd respondent school are governed exclusively by the Tamil Nadu Recognized Private Schools (Regulation) Act and Rules. He further submitted that under the said Rules, non-teaching staff possessing requisite qualifications are eligible for promotion to teaching posts. The petitioner, though initially appointed as a Sweeper, became fully eligible and was rightly promoted due to the retirement vacancy of P.G. Assistant (Economics).

4. It is the argument of the learned counsel that the 2nd respondent is not the competent authority to finally decide the issue and the same has to be decided by the 1st respondent, who is the competent authority and a proposal in such regard has to be forwarded. Therefore, the impugned rejection order dated 05.06.2025 is arbitrary, illegal, and contrary to statutory provisions. On the aforesaid score, he prayed for allowing of this writ petition by setting aside the impugned order dated 05.06.2025 issued by the 2nd respondent.



5. Learned Special Government Pleader appearing for the respondents did not dispute the factual aspects relating to the petitioner's initial appointment, qualifications, or the occurrence of vacancy due to retirement of the P.G. Assistant (Economics). However, she contended that the proposal was rejected by the 2nd respondent on the ground that improper particulars were furnished and by placing reliance on the Special Rules applicable to Higher Secondary Educational Service. However, she submitted that the 1st respondent will consider the issue and pass orders, in accordance with law and therefore, she prayed for issuance of appropriate directions in this regard.

6. Heard the submissions made by learned counsel on either side and perused the materials placed on record.

7. It is not in dispute that the 3rd respondent school is a recognized private aided school and, therefore, the service conditions of its employees are governed by the Tamil Nadu Recognized Private Schools (Regulation) Act and Rules, and not by the Special Rules for Tamil Nadu Higher Secondary Educational Service, which apply only to Government schools. It is also evident that the petitioner, though initially appointed as a Sweeper, possesses the requisite qualifications and was promoted only after the retirement vacancy arose. The School Management had forwarded the proposal strictly in terms of the applicable Private Schools Rules. Therefore, this Court is of the view that



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the 2nd respondent instead of forwarding the proposal to the 1st respondent has taken a step ahead by rejecting the proposal forwarded by the School Management.

8. Accordingly, the impugned order passed by the 2nd respondent dated 05.06.2025 is set aside. Therefore, this Court directs the 3rd respondent to forward a copy of the proposal for approval of the petitioner's appointment as P.G. Assistant (Economics) to the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the 1st respondent shall consider the same, strictly in accordance with the Tamil Nadu Recognized Private Schools (Regulation) Act and Rules, and pass appropriate orders, upon satisfaction of all other required criteria, within a period of six weeks thereafter.

9. With the aforesaid observations and directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.01.2026

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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M. DHANDAPANI, J.

vsi2

To

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