



W.A(MD)No.36 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.A(MD)No.36 of 2018
and
C.M.P(MD)Nos.210 & 11654 of 2018 & 1061 of 2019**

The District Educational Officer,
Musiri,
Trichy District.

... Appellant/1st Respondent

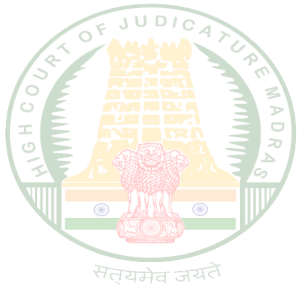
vs.

1.N.Sambathkumar,
No.31/27, Bajana Mada Street,
Uppilipauram Post,
Thuraiyur Taluk,
Trichy District.

... 1st Respondent/Writ Petitioner

2.The Secretary,
Swamy Viveganatha Vidyalayam
Higher Secondary School,
Vairichettipalayam,
Trichy District – 621 012.

... 2nd Respondent/2nd Respondent



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WEB COPY 3.P.Raja

4.P.Azhagirisamy

... Respondents 3 & 4

(R – 3 is impleaded vide order dated 29.07.2025
in C.M.P(MD)No.424 of 2019)

(R – 4 is impleaded vide order dated 29.07.2025
in C.M.P(MD)No.2441 of 2021)

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.06.2017 made in W.P(MD)No.10965 of 2017 on the file of this Court.

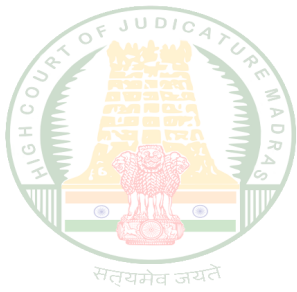
For Appellant : Mr.J.Ashok
Additional Government Pleader

For R – 1 : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For R – 2 : Mr.V.Panneer Selvam
for Mr.S.Thirupathy

For R – 3 : Mr.P.Vinoth
for Mr.M.Saravanan

For R – 4 : Mr.M.Vijayanand
for Mr.R.Murali



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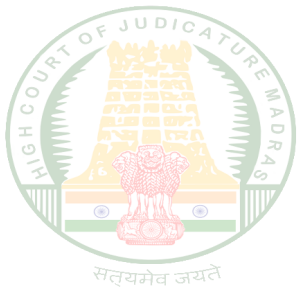
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JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present intra-court appeal has been filed by the State challenging the writ order dated 19.06.2017 passed in W.P(MD)No.10965 of 2017.

2.The State has preferred the Writ Appeal mainly on two grounds. Firstly, the Writ Petition was allowed and a direction was issued to the Education Department to accord approval for the appointment of the writ petitioner/Mr.N.Sambathkumar to the post of Junior Assistant. Secondly, the School Management/the second respondent in the Writ Petition did not follow the communal rotation while appointing Mr.N.Sambathkumar. As per the communal rotation, the post of Junior Assistant, which arose on account of retirement of Mr.Ravichandran, was reserved for Scheduled Caste (Arunthathiyar) community. Therefore, the appointment cannot be approved by the Education Department in accordance with the applicable Rules.



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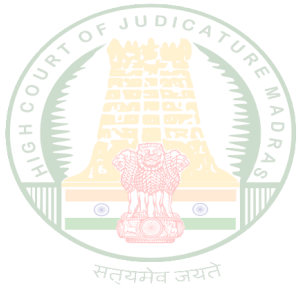
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3.It is not in dispute that the Writ Petition was allowed and a direction was issued to grant approval of the appointment without hearing the respondents. As far as the appointment of Mr.N.Sampathkumar is concerned, it was also challenged by the third respondent herein/Mr.P.Raja in W.P(MD)No.2055 of 2017. We have considered the grounds raised by the State in the said Writ Petition and the Writ Petition was since allowed, the present Writ Appeal is also to be considered.

4.Accordingly, the impugned writ order dated 19.06.2017 passed in W.P(MD)No.10965 of 2017 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S.,J.] & [N.S.K.,J.]
29.07.2025
(2/4)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

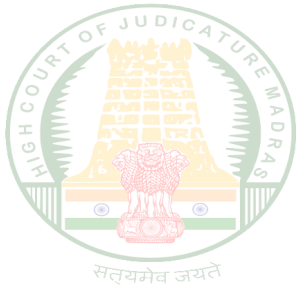


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and
N.SATHISH KUMAR, J.

ps

ORDER MADE IN
W.A(MD)No.36 of 2018

DATED : 29.07.2025
(2/4)