

WP(MD)No.3755 of 2026, batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 26.02.2026

DELIVERED ON : 03.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.3755 of 2026 &
Cont.P(MD)No.246 of 2026
and
WMP(MD)No.3059 of 2026

WP(MD)No.3755 of 2026:-

Saratha

: Petitioner

Vs.

- 1.The Chief Educational Officer,
O/o.Chief Educational Officer,
Virudhunagar District.
- 2.The District Educational Officer,
O/o.District Educational Officer,
Sivakasi,
Virudhunagar District.
- 3.The Correspondent,
Gurugnana Sampandar Hindu Higher Secondary School,
Srivilliputhur Taluk,
Virudhunagar District.



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4.The Correspondent,
Nadar Magamai High School,
Elayirampennai,
Virudhunagar District.

5.The Director of School Education,
Chennai.

: Respondents

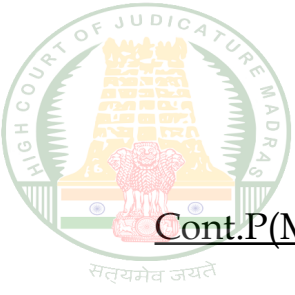
[R.5 *suo-motu* impleaded vide order dated 03.07.2026]

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings passed by the first respondent in Na.Ka.No.8214/A3/2024 dated 03.12.2025, quash the same and consequently, directing the first respondent to pass appropriate orders by deploying the petitioner to the third respondent school, in accordance with law.

For Petitioner : Mr.A.Balaji

For Respondents: Mr.M.Sarangan,
Additional Government Pleader
for R.1, R.2

Mr.C.Arul Vadivel @ Sekar,
Senior Counsel
for Mr.M.Pozhilan for R.3, R.4



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Cont.P(MD)No.246 of 2026:-

WEB COPY Saratha Devi

: Petitioner

Vs.

Aravindhan,
Chief Educational Officer,
O/o.Chief Educational Officer,
Virudhunagar District.

: Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent / contemnor for wilfully disobeying the order made in WP(MD)No.26213 of 2025, dated 06.11.2025.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.M.Sarangan,
Additional Government Pleader

COMMON ORDER

The petitioner has filed WP(MD)No.3755 of 2026 seeking to quash the proceedings of the Chief Educational Officer, Virudhunagar District, dated 03.12.2025. She has also filed Cont.P(MD)No.246 of 2026 alleging that the first respondent has wilfully disobeyed the order passed by this Court in WP(MD)No.26213 of 2025 dated 06.11.2025. Since both the writ petition



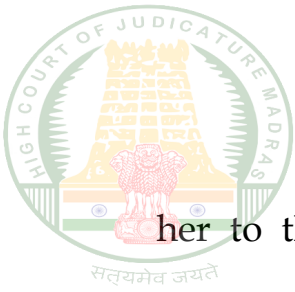
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and the contempt petition arise out of the same set of facts and involve

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common issues for consideration, they are taken up together and are disposed of by this common order. For the sake of convenience, the parties are referred to by their rank in WP(MD)No.3755 of 2026.

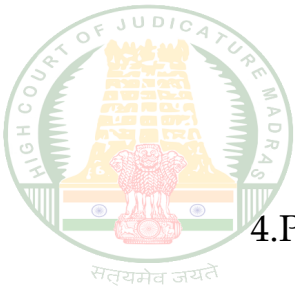
2.The petitioner is a qualified Special Teacher (Drawing). During the staff fixation exercise for the academic year 2024-2025, she was declared surplus in Sri Renuga Hindu High School, W.Pudhupatti, Virudhunagar, where she had been serving. Consequently, by proceedings dated 28.05.2025, the first respondent deployed her to the third respondent school. However, the third respondent school declined to accommodate the petitioner on the ground that it is a boys' school, that no female teaching or non-teaching staff are employed therein and that the school does not possess the infrastructural facilities required for accommodating a woman teacher. A communication to that effect was addressed by the third respondent to the first respondent. Acting upon the said communication, the first respondent did not enforce the deployment order issued in favour of the petitioner and, instead, by proceedings dated 09.06.2025, redeployed



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her to the fourth respondent school. Aggrieved by the said action, the petitioner filed WP(MD)No.26213 of 2025 seeking issuance of a writ of mandamus directing the Chief Educational Officer and the District Educational Officer to absorb her in any one of the vacant posts of Special Teacher (Drawing) in Government Aided High Schools or Higher Secondary Schools situated within Watrap Taluk, Virudhunagar District, or, in the alternative, to deploy her to the third respondent school by considering her representation dated 17.07.2025.

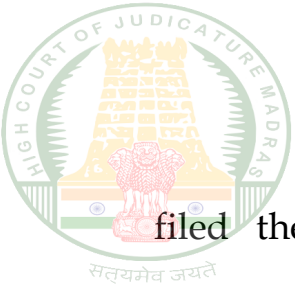
3.The third respondent school entered appearance in the said writ petition and opposed the relief sought. During the course of hearing, the petitioner filed an undertaking affidavit stating that she would not seek or claim any special treatment on the ground that she is a woman teacher if she were to be deployed to the third respondent school. Recording the said undertaking, this Court, by order dated 06.11.2025, disposed of the writ petition directing the Chief Educational Officer, Virudhunagar District, to consider the petitioner's claim for deployment to the third respondent school and pass appropriate orders on merits and in accordance with law.



4. Pursuant to the said order, the Chief Educational Officer, instead of independently examining the claim of the petitioner, once again sought the views of the third respondent school regarding the proposed deployment in the light of the undertaking furnished by the petitioner. By communication dated 01.12.2025, the third respondent reiterated its earlier stand and refused to accommodate the petitioner. The relevant portion of the said communication reads as follows:

“Based on the above statutory bar, I also place on record that ours is Boys Higher Secondary School with no female staff or essential facilities to accommodate a woman teacher. These infrastructural constraints were already communicated to you earlier and the same was accepted by you. Therefore, accommodating her in our school is legally impermissible and contrary to the statutory scheme and therefore we request you not to issue any deployment order to our school.”

5. In view of the stand once again taken by the third respondent school, the first respondent, by proceedings dated 03.12.2025, reaffirmed the earlier order dated 09.06.2025 deploying the petitioner to the fourth respondent school. Challenging the said proceedings, the petitioner has

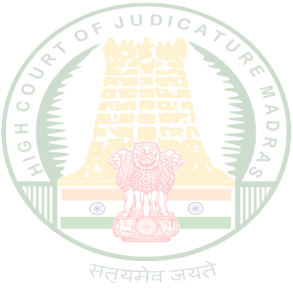


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filed the present writ petition. She has also initiated the contempt

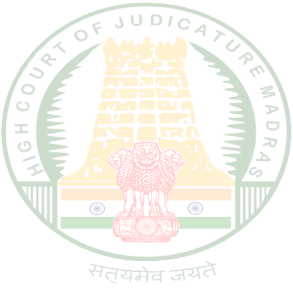
WEB PROCEEDINGS alleging that the first respondent has failed to comply with the directions issued by this Court in WP(MD)No.26213 of 2025 dated 06.11.2025.

6.Learned Counsel appearing for the petitioner submitted that the petitioner was declared surplus during the staff fixation exercise for the academic year 2024-2025 and was initially deployed to the third respondent school by proceedings dated 28.05.2025. However, the third respondent school refused to accommodate her solely on the ground that it is a boys' school and that adequate facilities are not available for a woman teacher. According to the learned counsel, there is neither any provision under the Tamil Nadu Private Schools (Regulations) Act, 2018 nor the Rules framed thereunder prohibiting the deployment or appointment of a woman teacher in a boys' school. It was contended that the first respondent, instead of enforcing the statutory deployment order, accepted the untenable stand taken by the third respondent school and arbitrarily redeployed the petitioner to the fourth respondent school.



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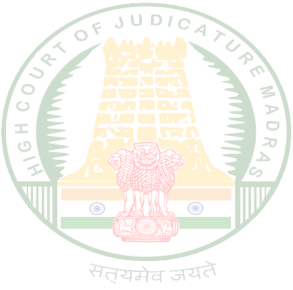
7. He further submitted that the fourth respondent school is situated at a considerable distance from the petitioner's residence, requiring her to travel for more than four hours every day, thereby causing severe physical hardship. It was also pointed out that the petitioner is a widow having dependent children and an ailing mother-in-law to take care of. It was in those circumstances that she approached this Court in WP(MD)No.26213 of 2025. The petitioner had also voluntarily filed an undertaking that she would not seek any special treatment as a woman teacher if she were to be deployed to the third respondent school. Though this Court directed the first respondent to consider her claim on merits and in accordance with law, the first respondent has mechanically reiterated the earlier decision by once again deploying the petitioner to the fourth respondent school without independently considering the matter. According to the learned counsel, such action amounts to wilful disobedience of the directions issued by this Court.



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8. According to the learned Counsel, pending these proceedings, a vacancy in the post of Special Teacher (Drawing) has arisen in Sri Renuga Hindu High School, W.Pudhupatti, Virudhunagar, where the petitioner had originally been serving, consequent upon the demise of the incumbent teacher. It was therefore contended that the petitioner can now be accommodated in the said school itself, thereby avoiding the hardship presently faced by her.

9. The third respondent school has filed a counter affidavit contending that it is exclusively a boys' Higher Secondary School where no female teaching or non-teaching staff are employed and that the necessary infrastructural facilities required for accommodating a woman teacher are not available. It is therefore submitted that the school was justified in informing the first respondent that the petitioner could not be accommodated.



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10.Learned Counsel appearing for the third respondent further submitted that the petitioner has already joined duty in the fourth respondent school on 16.06.2025 and that no teacher has a vested right to insist upon posting at a particular institution. Therefore, he prayed for dismissal.

11.This Court has carefully considered the submissions made by the learned Counsel appearing on either side and the materials placed on record.

12.The petitioner is serving as a Special Teacher (Drawing). During the staff fixation exercise for the academic year 2024-2025, she was declared surplus. Consequently, in exercise of the powers conferred under the statutory Rules, the first respondent issued proceedings dated 28.05.2025 deploying the petitioner to the third respondent school, where a sanctioned vacancy admittedly existed. The deployment order, however, was never implemented since the third respondent school declined to accommodate



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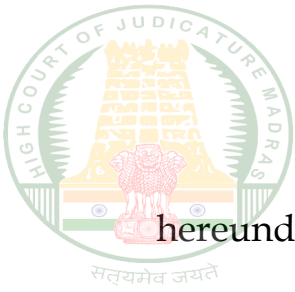
the petitioner on the ground that it is a boys' school and that no infrastructural facilities are available for a woman teacher. Instead of ensuring implementation of the deployment order already issued, the first respondent accepted the objection raised by the third respondent management and redeployed the petitioner to the fourth respondent school. Aggrieved thereby, the petitioner approached this Court by filing WP.(MD) No.26213 of 2025.

13.While disposing of the earlier writ petition, this Court took note of the undertaking furnished by the petitioner that, if deployed to the third respondent school, she would not seek any special treatment or additional facilities merely because she is a woman teacher. Recording the said undertaking, this Court directed the first respondent to consider the petitioner's request for deployment to the third respondent school on its own merits and in accordance with law. The tenor of the earlier order leaves no room for doubt that the first respondent was required to independently examine the issue in the light of the statutory provisions and arrive at a reasoned decision. The impugned proceedings dated 03.12.2025,



however, disclose no such exercise. They merely reproduce the objections raised by the third respondent management and mechanically reaffirm the earlier decision deploying the petitioner to the fourth respondent school. The order does not reflect any independent application of mind to the petitioner's claim, as directed by this Court.

14. The third respondent is an aided non-minority private school receiving grant-in-aid from the Government. It is, therefore, governed by the provisions of the Tamil Nadu Private Schools (Regulations) Act, 2018 [in short "the Act"] and the Tamil Nadu Private Schools (Regulation) Rules, 2023 [in short "the Rules"]. The Rules recognise that once a teacher is identified as surplus and a deployment order is issued by the competent authority, the process cannot be frustrated merely because a management refuses to comply. Instead of treating such refusal as bringing the deployment to an end, the Rules themselves prescribe the consequences that should follow and the further course of action to be adopted by the educational authorities. Rule 32(B)(11) and Rule 32(B)(12), which are relevant to the deployment of staff identified as surplus, are extracted

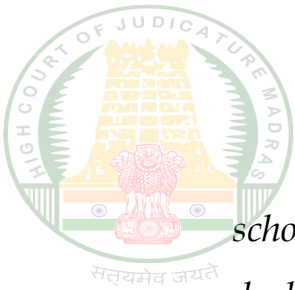


hereunder for reference:-

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“(11) Where the Secretary of the school committee or the management of the school, as the case may be, refuses to relieve the deployed staff, the grant – in - aid extended to that particular post which has been declared surplus shall be stopped immediately forthwith.

(12) Where the Secretary of the school committee or the management of the school, as the case may be, to which such surplus staff has been deployed refuses to accommodate the deployed staff, the Secretary of the school committee or the management of the school, as the case may be, shall not fill up the vacant post without the approval of the competent authority. In such case, if the deployment has been made by the District Educational Officer concerned in respect of Primary and Middle schools, the fact shall be intimated to the Director of Elementary Education who shall take action to send such deployed staff on deputation to some other nearby Panchayat Union school till a vacancy arises in any other aided school for the purpose of deployment as prescribed in sub-rule(7) above. If the deployment has been made by District Educational Officer concerned in respect of High and Higher Secondary schools, the fact shall be intimated to the Chief Educational Officer concerned and the Chief Educational Officer shall intimate the same to the Director of School Education who shall take action to send such deployed staff on deputation to some other nearby Government



school till a vacancy arises in any other aided school for the purpose of deployment as prescribed in sub-rule(7) above. If the deployment has been made by the Joint Director concerned, in respect of Anglo-Indian schools the fact shall be intimated to the concerned Director who shall take action to send such deployed staff on deputation to some other nearby Government school till a vacancy arises in any other Anglo-Indian school for the purpose of deployment as prescribed in sub-rule (7) above."

15.A plain reading of Rule 32(B)(11) and Rule 32(B)(12) makes the legislative intent abundantly clear. The Rules do not provide that a deployment order becomes ineffective merely because either the relieving school or the receiving school refuses to comply with it. On the contrary, they proceed on the footing that the deployment continues to remain valid and prescribe the consequences that should follow such refusal. While Rule 32(B)(11) provides for stoppage of grant in respect of the surplus post if the relieving school refuses to relieve the deployed teacher, Rule 32(B)(12) prohibits the receiving school from filling up the vacancy without the approval of the competent authority and further requires the educational authorities to take appropriate consequential steps till the teacher is



accommodated in accordance with the Rules. The legislative intent is clear.

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The statutory scheme does not recognise the refusal of the management as putting an end to the deployment. It merely regulates the consequences flowing from such refusal.

16. Section 32 of the Act also makes appointments in aided private schools subject to the provisions of the Act and the Rules. An aided institution, while retaining its identity as a private institution, receives financial assistance from the State and is bound by the statutory conditions governing such aid. Having accepted grant-in-aid from the State, it is equally bound by the statutory obligations governing such aid. Once a deployment is made by the competent authority in exercise of the powers conferred under the Rules, the management has no authority to sit in appeal over such decision or determine for itself whether the deployed teacher should be accommodated. The Act does not leave such non-compliance without consequences. Section 36 of the Act empowers the Government to withhold grant-in-aid where an aided institution fails to comply with the provisions of the Act, the Rules or the lawful directions



issued thereunder. It is, therefore, for the competent authorities to examine

whether the conduct of the third respondent management warrants action under the Act.

17.The only objection raised by the third respondent for refusing to accommodate the petitioner is that it is a boys' school and that adequate infrastructural facilities are not available for a woman teacher. Such an objection cannot be accepted. The petitioner has already placed on record her undertaking before this Court that she would not seek any special treatment or additional facilities merely because she is a woman teacher. More importantly, neither the Act nor the Rules prohibit the deployment of a woman teacher to a boys' school. In the absence of any statutory prohibition, the objection raised by the third respondent has no legal foundation and could not have formed the basis for declining to implement the deployment order.

18.Applying the above principles to the facts of the present case, this Court finds that the first respondent has failed to discharge the statutory



obligation cast upon him. This Court had earlier directed the first

respondent to independently consider the petitioner's request on its own

merits and in accordance with law. The impugned proceedings, however,

disclose no such independent consideration. They merely reproduce the

objections raised by the third respondent management and mechanically

reaffirm the earlier decision deploying the petitioner to the fourth

respondent school, without adverting either to the statutory scheme

governing deployment or to the consequences flowing from Rules 32(B)(11)

and 32(B)(12). The impugned proceedings thus proceed entirely on the

objections of the third respondent management and not on the statutory

scheme embodied in the Act and the Rules. The first respondent has, in

effect, treated the deployment order issued by his own office as subject to

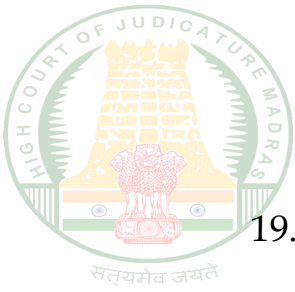
the approval of the third respondent management. The first respondent has

thus abdicated the statutory discretion vested in him and surrendered the

decision-making process to the dictates of the third respondent

management, which is not legally permissible. The impugned proceedings

dated 03.12.2025 are, therefore, liable to be set aside.



19. Insofar as the contempt petition is concerned, this Court is of the view that the first respondent has passed an order pursuant to the directions issued by this Court. The said order has now been found to be legally unsustainable on account of his failure to independently apply his mind to the issue and to act in accordance with the statutory scheme governing deployment of surplus teachers. Since the validity of the order has been examined in these writ proceedings and appropriate relief has been granted to the petitioner, this Court is not inclined to proceed further with the contempt petition.

20. Accordingly, the proceedings of the first respondent dated 03.12.2025 are set aside. The first respondent is directed to reconsider the deployment of the petitioner afresh, strictly in accordance with the provisions of the Act and the Rules, keeping in view the observations made in this order. While undertaking such exercise, the first respondent shall also consider the submission made on behalf of the petitioner that a vacancy has arisen in Sri Renuga Hindu High School, W.Pudhupatti, Virudhunagar, and if such vacancy is found to exist and the petitioner is



otherwise eligible to be accommodated therein in accordance with the statutory Rules, appropriate orders shall be passed. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

21. Before parting with the case, this Court considers it necessary to make certain observations regarding the implementation of the statutory scheme governing deployment of surplus teachers. Rule 32(B) prescribes a definite timeline for completing the exercise. Staff fixation is to be completed before 12th August, the list of surplus teachers is to be communicated before 15th August, school managements are required to furnish the particulars of vacancies before 22nd August and deployment orders are to be issued before 31st August of the academic year. Unfortunately, these timelines are seldom adhered to in practice and deployment orders are often issued after a substantial part of the academic year has elapsed. Consequently, teachers raise a grievance that they have already been handling classes for several months and that a mid-year deployment would cause hardship to them and also affect the continuity of



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teaching for the students. The Courts are also generous in granting interim

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stay on the order of deployment in such cases. However, delay in issuing deployment orders cannot be permitted to defeat the statutory scheme itself. If every delayed deployment is allowed to remain unimplemented solely on that ground, surplus teachers would continue in schools where they are no longer required and the Government would continue to incur salary expenditure without securing the benefit of utilising their services in schools where vacancies exist.

22.The present case itself illustrates the consequences of such delay. Though the petitioner was identified as surplus during the academic year 2024-2025, the first respondent issued the deployment order only on 28.05.2025, almost at the end of the academic year. No explanation has been placed before this Court for such an inordinate delay. When the Government spends several hundreds of crores of rupees every year towards the salaries of teachers, it is under a corresponding obligation to ensure that such teachers are effectively utilised in institutions where their services are actually required. The public money is sanctioned not merely



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for payment of salaries but for ensuring that students receive the benefit of

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adequate teaching staff. Therefore, a surplus teacher continuing in one school corresponds to a sanctioned vacancy remaining unfilled elsewhere and the authorities cannot remain indifferent to the same.

23. In the absence of any explanation for the delay in issuing the deployment order, this Court is of the view that the matter requires administrative examination. Accordingly, the Director of School Education, Chennai, is directed to examine the reasons for the delay in issuing the deployment order to the petitioner. If it is found that the delay was attributable to any lapse or dereliction on the part of the first respondent or any other officer, the Director shall take appropriate action against such officer in accordance with law, including initiation of disciplinary proceedings and recovery of the salary which was paid to the petitioner during this period, from such officer. The Director shall also examine whether the repeated refusal of the third respondent school management to comply with the deployment order warrants initiation of appropriate proceedings under the provisions of the Act, including action under Section



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36 and take appropriate action. For the said purpose, the Director of School Education, Chennai, is *suo-motu* impleaded as a party to the writ petition.

With the above directions, the writ petition stands allowed. The contempt petition is closed. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

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Note:

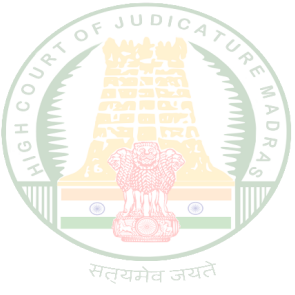
Mark a copy of this order to

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
Chennai.

To

1. The Chief Educational Officer,
O/o. Chief Educational Officer,
Virudhunagar District.
2. The District Educational Officer,
O/o. District Educational Officer,
Sivakasi,
Virudhunagar District.

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B.PUGALENDHI, J.

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Cont.P(MD)No.246 of 2026**

03.07.2026