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W.A.(MD)No.837 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 18.08.2026

PRONOUNCED ON : 21.08.2026

CORAM

THE HON'BLE MR.JUSTICE **C.V.KARTHIKEYAN**
AND
THE HON'BLE MR.JUSTICE **R.SAKTHIVEL**

W.A(MD)No.837 of 2026
and
C.M.P.(MD)No.7110 of 2026

- 1.The Commissioner of School Education,
College Road, Chennai – 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai – 600 006.
- 3.The District Educational Officer (Elementary),
Tirunelveli, Tirunelveli District.
- 4.The Block Educational Officer,
Cheranmahadevi,
Tirunelveli District.

... Appellants

VS

- 1.L.Mariappan,
Headmaster,
CMS Evangelical Primary School,
Pattankadu, Tirunelveli District.



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2.The Correspondent,
CMS Evangelical Schools,
Idayankulam and Kandithankulam Pastorates
at Karisalpatti,
Karisal – 627 414, Tirunelveli District.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order, dated 09.01.2025 in W.P.(MD)No.27688 of 2024 on the file of this Court.

For Appellants	:Mr.S.I.Muthiah Additional Government Pleader
For R1	: Mr.S.Xavier Rajini
For R2	:No appearance

JUDGMENT

(Judgment of this Court was delivered by **C.V.KARTHIKEYAN, J.**)

The 1st-4th respondents in W.P.(MD)No.27688 of 2024, aggrieved by the order, dated 09.01.2025 of a learned Single Judge, have filed the present Writ Appeal.

2.The said Writ Petition had been filed by the first respondent, L.Mariappan, Headmaster, CMS Evangelical Primary School, Pattankadu, Tirunelveli District, in the nature of a Certiorarified Mandamus seeking



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records relating to the impugned proceedings issued by the third respondent therein/third appellant herein, the District Educational Officer (Elementary), Tirunelveli, in Na.Ka.No.2671/A1/2023, dated 24.09.2024 and to quash the same and consequently, to direct the respondents 1 to 4 therein/appellants herein to approve his appointment as Headmaster in the said School with effect from 04.02.2022 and to disburse grant-in-aid towards his salary and other monetary benefits.

3.It is the case of the first respondent/Writ Petitioner that he had been appointed as Headmaster of a Primary School through direct recruitment by the second respondent herein/5th respondent in the Writ Petition, the Correspondent, CMS Evangelical Schools, Idayankulam and Kandithankulam Pastorates at Karisalpatti in Tirunelveli District with effect from 04.02.2022. The proposal for such appointment was forwarded by the Management to the appellants for approval. It was kept pending. Thereafter, the first respondent herein filed a Writ Petition in W.P.(MD)No. 13097 of 2023 seeking a Mandamus to grant approval of appointment and to release grant-in-aid. The said Writ Petition was disposed of on 19.06.2024 with a direction to the District Educational Officer



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(Elementary), Tirunelveli, to consider the proposal of the Management and to pass orders approving the appointment within a period of four weeks.

However, the District Educational Officer (Elementary), Tirunelveli, had rejected the proposal by proceedings, dated 24.09.2024, which proceedings were impugned in the Writ Petition.

4.The learned Single Judge, on examination of the records, held that the proposal had been rejected on two grounds, namely, that the first respondent/Writ Petitioner had not passed TET examination and re-deployment of surplus staff had not been carried out. The learned Single Judge, however, observed that the first respondent/Writ Petitioner had been appointed as Headmaster to an aided minority institution and therefore, held that a pass in TET examination was not mandatory and therefore, rejected that particular reason in the impugned proceedings.

5.With respect to the re-deployment, the learned Single Judge observed that the first respondent/Writ Petitioner had been appointed as Headmaster, which was a singular post and therefore, there cannot be a plea of surplus Teachers in the Management.



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6.Holding as above and rejecting the reasons given in the impugned proceedings, the learned Single Judge had allowed the Writ Petition and directed to grant approval of appointment with effect from 04.02.2022 with all attendant and monetary benefits and directed that an order should be passed within a period of twelve weeks from the date of receipt of necessary documents from the Management.

7.Challenging that order and the reasons thereunder, the present Writ Appeal had been filed by the respondents in the Writ Petition.

8.The learned Additional Government Pleader had raised the same grounds, namely, that the first respondent herein/Writ Petitioner had not passed the TET examination and that there was no re-deployment of surplus Teachers before he had been appointed as Headmaster.

9.We have carefully considered the said arguments advanced.

10.The issue of pass in TET examination would not arise in view of the judgment of the Division Bench of this Court reported in **2023 (3) LW**



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112 (The Director of School Education, D.P.I. Campus, College Road, Chennai -06 and two others vs Velayutham and another), wherein, it had

been categorically held that a pass in TET examination is not mandatory for being appointed as a Teacher in a minority institution. The said issue is now pending consideration before the Hon'ble Larger Bench of the Supreme Court. However, the law, as on date, is that a pass in TET examination is not mandatory insofar as minority institutions are concerned. Therefore, we hold that the observation of the learned Single Judge that a pass in TET examination was not mandatory is correct and we affirm the said finding.

11. With respect to the re-deployment of surplus Teachers from other Schools, we again hold that the learned Single Judge had correctly observed that the first respondent/Writ Petitioner was appointed as a Headmaster, which post was a singular post and therefore, there cannot be re-deployment of Teachers.

12. The first respondent/Writ Petitioner is qualified to be appointed as a Headmaster and no grounds have been raised by the appellants regarding that issue. We therefore, again hold that the learned Single Judge had



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correctly returned a finding that the appellants cannot raise a ground of re-deployment.

13.The learned Additional Government Pleader, however, widened the scope of arguments by stating that the first respondent/Writ Petitioner had not functioned as Headmaster and therefore, cannot claim any right for attendant benefits or past salary.

14.In order to ascertain this fact, we had called upon both the appellants and the first respondent to produce the attendance registers. The appellants produced the attendance register of all the Teachers in the respondent School and stated that the first respondent/Writ Petitioner had not signed his presence in the said attendance register.

15.However, the learned Counsel for the first respondent stated that a separate attendance register had been maintained by the School insofar as the first respondent/Writ Petitioner was concerned and he produced the original attendance register, which was also countersigned by the District Educational Officer (Elementary), Tirunelveli.



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16.We had directed the said attendance register to be handed over to the learned Additional Government Pleader to forward the same to the District Educational Officer (Elementary), Tirunelveli, to verify the correctness of the statement.

17.We must place our deep appreciation to the learned Additional Government Pleader, who stated that on verification, it is correct that the District Educational Officer (Elementary), Tirunelveli, countersigned the attendance register and also that the attendance register reflects that the first respondent/Writ Petitioner had actually functioned as Headmaster and had attended the School. In view of this particular fact being resolved by direct evidence by production of the original attendance registers, we hold that this particular argument cannot also be countenanced by us.

18.In view of the reasons stated above, we hold that the Writ Appeal has to suffer an order of dismissal and accordingly, the same is dismissed. The order of the learned Single Judge in W.P.(MD)No.27688 of 2024, dated 09.01.2025 is confirmed. We direct that the appellants should pass



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appropriate orders granting approval of the appointment of the first respondent/Writ Petitioner, L.Mariappan, as Headmaster, CMS Evangelical Primary School, Pattankadu, Tirunelveli District, with effect from 04.02.2022. He is also entitled for all attendant benefits on and from that particular date. The aforesaid exercise shall be completed within a period of six weeks from the date of uploading the order copy in the High Court website.

19.In the result, the Writ Appeal stands dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

[C.V.K., J.] & [R.S.V., J.]
21.08.2026

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

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AND

R.SAKTHIVEL. J.

cmr

Judgment made in
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