



W.A(MD)No.1704 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.09.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1704 of 2024**

B.Stepha Sharon

... Appellant

vs.

1. The District Educational Officer,  
O/o.Valliyoor District Educational Officer,  
Valliyoor, Tirunelveli District.

2. The Block Educational Officer,  
O/o. Block Educational Officer,  
Nanguneri, Tirunelveli District.

3. The Correspondent,  
Jawahar National Middle School,  
Subramaniapuram, Emmankulam Post,  
Nanguneri Taluk,  
Tirunelveli District.

... Respondents

**Prayer :** Appeal filed under Clause 15 of the Letters Patent, against the order dated 12.06.2023 in W.P(MD)No.6339 of 2023.

|               |                                                  |
|---------------|--------------------------------------------------|
| For Appellant | : Mr.P.P.Alwin Balan                             |
| For R1 & R2   | : Mr.S.P.Maharajan<br>Special Government Pleader |
| For R3        | : Mr.V.S.Kishore Kumar                           |



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## JUDGMENT

(Judgement of the Court was made by **R.SUBRAMANIAN, J.**)

The challenge in this appeal is to the order of the Writ Court dated 12.06.2023 made in W.P(MD)No.6339 of 2023, in and by which, the Writ Court upheld the order of the Education Department refusing to approve the appointment of the appellant as Headmistress of a Middle School on the ground that the appellant did not possess the work experience i.e., five years for having appointed as a Headmistress.

2. This is one of the rarest of rare cases where the Education Department has passed a correct order refusing approval. The teacher relied upon G.O.Ms.No.97, School Education Department, dated 05.07.2001, to claim exemption from the requirement of 5 years work experience. The scope of G.O.Ms.No.97, School Education Department, dated 05.07.2001 is no longer *res integra*. A Division Bench of this Court in **The Secretary to Government, Department of School Education, Chennai and others vs. V.Jeevitha and others [W.A(MD)Nos.80 and 308 of 2022, dated 08.03.2024]** had held that the relaxation in G.O.Ms.No.97, School Education Department, dated 05.07.2001 is subject to the following conditions:

*"(a) The concerned candidate who seeks exemption should be the senior*



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*most teacher within the same school / school management.*

*(b) No other teacher who is fully qualified should be available within the same school / school management.*

*(c) Only in cases where the teachers who are fully qualified are not available within the school / school management, the school management should approach the employment exchange or going in for a direct recruitment.*

*(d) When fully qualified candidates are not available even through employment exchange / direct recruitment, thereafter exemption could be granted to the concerned teacher with regard to teaching experience of 5 years."*

3. Even in the case on hand, it has not been made out that those conditions have been satisfied. There were two B.T teachers in the school, of whom, one was the Headmistress. Since the incumbent retired, the petitioner was appointed as the other B.T teacher expressed her unwillingness to be the Headmistress. It is not shown that there was an attempt to seek a fully qualified person by approaching the employment exchange as per the condition (c) above. We are, therefore, unable to fault the Writ Court for having dismissed the writ petition. The Writ Appeal, therefore, fails and it is accordingly dismissed. No costs.

**(R.S.M, J.) (L.V.G, J.)**  
**30.09.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

bala

To

1. The District Educational Officer,  
O/o.Valliyoor District Educational Officer,  
Valliyoor,  
Tirunelveli District.

2. The Block Educational Officer,  
O/o. Block Educational Officer,  
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**JUDGMENT MADE IN**  
**W.A(MD)No.1704 of 2024**  
**DATED : 30.09.2024**