



W.P.(MD)No.9287 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2024

CORAM

**THE HONOURABLE MS. JUSTICE R.N.MANJULA**

**W.P.(MD)No.9287 of 2024**

**and**

**W.M.P.(MD).Nos.8455 and 8457 of 2024**

The Correspondent,  
St.Fathima High School,  
Virupatchi, Ottanchathiram,  
Dindigul District.

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by its Secretary,  
Department of School Education,  
Fort St.George,  
Chennai – 600 009.

2.The Director of School Education,  
College Road,  
Chennai – 600 009.

3.The Chief Educational Officer,  
Dindigul – 624 001,  
Dindigul District.

4.The District Educational Officer,  
Palani Educational District,  
Palani,  
Dindigul District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent Chief Educational Officer in Oo.Mu.No.4940/A7/2022 dated \_\_.06.2022 and the consequential proceedings of the fourth respondent DEO in Na.Ka.No. 2897/A2/2022 dated 29.07.2022, quash the same, and further direct the third and fourth respondents to approve forthwith the appointment of J.R. Arcokia Rajan as BT Assistant (History) in the petitioner school w.e.f., 11.06.2018, with all attendant benefits including arrears of salary and allowances.

For Petitioner : Mr.M.F.Rooshi Maas  
For M/s.Isaac Chambers

For Respondents : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

The present writ petition has been filed by an aided minority stand alone school challenging the order passed by the third respondent herein, wherein the appointment of a B.T Assistant Teacher has not been approved.

2. Heard Mr.M.F.Rooshi Maas, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. Mr.M.F.Rooshi Maas, learned counsel for the petitioner submitted that the post of a Secondary Grade Teachers fell vacant in the School on 01.06.2018 due to retirement of one M.Mary Hilda Rani on 31.05.2018. The School found one J.R.Arokia Rajan as an eligible teacher, on merits and ability and he was appointed as B.T.Assistant (History) with effect from 11.06.2018. He joined duty on the same day and he continues to discharge his duties. The said appointment was sent for approval to the Educational Authorities and also the School seeks conversion of the Secondary Grade Teacher post into that of B.T.Assistant. In pursuance thereof, the third respondent Chief Educational Officer through his proceedings in Oo.Mu.No.4940/A7/2022 dated --.06.20222 rejected the proposal by citing the pendency of SLP (C).No.15702 of 2021 before the Hon'ble Apex Court challenging the order of the Hon'ble Division Bench in W.A(MD)No.76 of 2019 and batch, dated 31.03.2021. Hence, the present writ petition has been filed.

5. It is to be noted that the Government Order in G.O(Ms.).No.79 School Education (U1) Department dated 14.06.2002, the Government of Tamil Nadu

<https://www.mhc.tn.gov.in/judis>



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took a policy decision that the Secondary Grade Teachers were not qualified enough to handle the advanced syllabus prescribed in the Middle School Sections namely Standards VI to X and evolved the policy of appointing Graduate Teachers in those posts. The posts of Secondary Grade Teachers were decided to be upgraded into that of Graduate Teachers with effect from 01.06.2002. In order to protect the interest of the existing Secondary Grade Teachers, the post of Second Grade Teachers would get upgraded as Graduate Teachers only when they fell vacant and on the said vacancies, the Graduate Teachers should be appointed. Such upgraded posts were called as Middle Grade Graduate Teachers.

6. The pendency of SLP before the Hon'ble Supreme Court is in no way connected with the approval or disapproval of the appointment of the Teacher appointed by the petitioner management. Therefore, the orders impugned in the writ petition are set aside. Considering the fact that the petitioner institution is a minority stand alone school, the respondent authorities are directed to verify whether the appointment is within the sanctioned staff strength of the school for the relevant academic year and proceed to approve the appointment of the concerned Teacher as B.T Assistant (History) with effect from 11.06.2018 with all attendant benefits. The said exercise shall be completed within a period of six weeks from the date of receipt of copy of this order.



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**WEB COPY** 7. With the above said observations, this Writ Petition stands **disposed**

**of.** No costs. Consequently, connected Miscellaneous Petitions are closed.

**16.04.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Nsr

**To:**

- 1.The Secretary,  
The State of Tamil Nadu,  
Department of School Education,  
Fort St.George,  
Chennai – 600 009.
- 2.The Director of School Education,  
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**R.N.MANJULA, J.**

Nsr

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