



**W.P.(MD).No.18728 of 2024**

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

**DATED : 21.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.18728 of 2024

and

W.M.P(MD).No.15853 of 2024

A.Antony Raj

... Petitioner

VS

1.The District Educational Officer (Elementary),  
Tirunelveli,  
Tirunelveli District.

2. The Block Educational Officer,  
Cheranmahadevi,  
Tirunelveli District.

3.The Correspondent,  
R.C.Middle School,  
Veeravanallur,  
Tirunelveli District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1<sup>st</sup> respondent in his proceedings in O.Mu.No. 3079/A4/2020 dated 13.01.2021 and quash the same and direct the respondents to approve the appointment of the petitioner as B.T. Assistant (Science) with effect from 16.03.2020 with salary and all other consequential benefits.

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For Petitioner : Mr.V.Panneer Selvam  
For Respondents Nos.1 & 2 : Mr.N.Satheesh Kumar  
Additional Government Pleader  
For Respondent No.3 : M/s.K.Hema Karthikeyan

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### **ORDER**

The instant writ petition has been filed by a B.T. Assistant (Science) Teacher challenging the order passed by the 1<sup>st</sup> respondent herein on 13.01.2021, wherein, the proposal submitted by the school management for approval of his appointment was rejected by citing five reasons.

2. According to the learned Counsel appearing for the writ petitioner, the 3<sup>rd</sup> respondent school is a aided minority institution and therefore, the question of passing TET examination does not arise. He contends that the Writ Appeal in W.A.(MD).No.76 of 2019 has already been disposed of. He also contends that the G.O.Ms.No.165, School Education Department dated 17.09.2019 is not in force as on today. He further contends that in view of the previous orders of this Court in various writ petitions, the question of following subject roster cannot be implemented by way of circulars, unless it is backed by a statutes. The learned Counsel for the petitioner submitted that



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there are no surplus teachers in the corporate management in the academic year 2019-2020. Hence he prays for allowing the writ petition.

3. Per contra, the learned Counsel appearing for Respondent Nos.1 and 2 contended that unless the documents mentioned in the impugned order are submitted by the management, the question of considering the approval does not arise. He further contends that the returned proposal under the impugned order has been re-submitted by the management on 22.05.2024 and hence, fresh orders have to be passed by the 2<sup>nd</sup> respondent herein.

4. The first respondent is directed to consider the said proposal, dated 22.05.2024, without any reference to G.O.Ms.No.165, School Education Department dated 17.09.2019 or without insisting the petitioner to pass TET examination, and pass orders within a period of twelve (12) weeks from the date of receipt of copy of this order.



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5. With the above said observation, this writ petition stands allowed.

No costs. Consequently, connected miscellaneous petition is closed.

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



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**R.VIJAYAKUMAR,J.**

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