



W.A.(MD).No.2205 of 2024

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

**DATED : 30.10.2024**

**CORAM:**

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

**W.A.(MD).No.2205 of 2024  
and  
C.M.P.(MD)No.15496 of 2024**

1.The Chief Educational Officer,  
Dindigul District.

2.The District Educational Officer,  
Dindigul,  
Dindigul District.

... Appellants

-VS-

1.A.Kanimozhi

2.The Correspondent,  
John Paul Higher Secondary School,  
Nehruji Nagar, Dindigul,  
Dindigul District.

... Respondents

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.28243 of 2023, dated 04.12.2023.

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| For Appellants                 | : Mr.S.P.Maharajan<br>Special Government Pleader |
| For 1 <sup>st</sup> Respondent | : Mr.E.V.N.Siva                                  |



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**JUDGMENT**

**[Judgment of the Court was made by R.SUBRAMANIAN, J.]**

Mr.E.V.N.Siva, learned counsel takes notice for the 1<sup>st</sup> respondent.

2.The State is on Appeal. The Writ Court has only directed the appellants to consider the application for approval of appointment of first respondent as a BT Assistant Tamil in the 2<sup>nd</sup> respondent School, after verifying that there are not surplus BT Assistant Tamil in the Corporate Management. The grounds for rejection of approval were that the 1<sup>st</sup> respondent has not got Teacher Eligibility Test qualification and that there are surplus.

3.This Court has consistently held that for appointment as Teacher in minority institution, Teacher Eligibility Test qualification cannot be insisted upon. As regards surplus also, this Court has held that unless there are surplus Teachers teaching the same subject in the Corporate Management, the Authorities cannot refuse approval, provided the appointment is to a sanctioned post. Therefore, both the grounds that were stated for refusing approval do not survive. Hence, we do not see any reason to interfere with the order of the Writ Court, wherein the Writ Court has only directed the authorities to approve, after verifying as to whether there is any surplus in the Corporate Management.



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4.The Writ Appeal fails and it is accordingly dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.] [L.V.G., J.]**  
**30.10.2024**

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

To

- 1.The Chief Educational Officer,  
Dindigul District.
- 2.The District Educational Officer,  
Dindigul,  
Dindigul District.



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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

Mrn

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