



W.P.(MD).No.27239 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27239 of 2024

S.Samraj

... Petitioner

Vs.

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

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

3. The Correspondent,
TDTA Primary School,
Thuvaraikulam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner as Secondary Grade Teacher in the third respondent School with effect from 13.03.2019 with salary and all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam



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For R1 and R2

: Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher appointed in the third respondent School, seeking a Mandamus as against the respondents to approve his appointment with effect from 13.03.2019.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as a Secondary Grade Teacher in the third respondent School on 13.03.2019 and the proposal was forwarded to the authorities in the year 2019 itself for approval. However, so far they have not passed any order.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 submits that they have received the proposal from the Management only on 09.07.2024. He further contended that there are surplus Secondary Teachers within the Corporate Management and the petitioner has not passed in TET examination. In such circumstances, the approval cannot be granted to the writ petitioner.



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4. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. As far as the contention relating to pass in TET examination is concerned, the third respondent Institution being a minority institution, for any appointment in such an Institution, a pass in TET examination is not mandatory. Therefore, such a defence cannot be raised by the authorities.

6. As far as the contention that the authorities have received the proposal belatedly, the educational authorities have to verify whether the petitioner was working from the date of appointment or not and thereafter, verify the records from the third respondent and take a decision on the said aspect.

7. As far as the contention of the surplus teachers are concerned, prior to the decision of the Hon'ble Division Bench of this Court in W.A.No.76 of 2019, dated 31.03.2021, the issue of surplus was decided on School to School basis. In such circumstances, whenever appointments are made prior to 31.03.2021, the authorities have to consider whether the appointment is made



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within the staff fixation for the relevant School alone.

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8. In view of the above said facts, the authorities are directed to verify whether the appointment of the writ petitioner has been made within the Staff Fixation order for the third respondent School in the academic year 2018-2019 and to take a decision and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

28.11.2024

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

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R.VIJAYAKUMAR,J.

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