



WEB COPY



W.P.No.3527 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3527 of 2023

and

W.M.P.Nos.3565 & 3566 of 2023

Mr. Purushothaman

... Petitioner

Versus

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
The Department of School Education,
Fort St. George, Chennai – 9.
- 2.The Director of Primary School Education,
DPI Campus, College Road,
Chennai – 6.
- 3.The District Educational Officer,
Office of the District Educational Officer,
Kancheepuram, Kancheepuram District.
- 4.The Block Educational Officer,
Office of the Block Educational Officer,
Uthiramerur, Kancheepuram District.
- 5.The Correspondent,
St. Mary's Primary School,
104, Mambakkam, Thiruvanaikoil Post,
Kancheepuram District – 603 106.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, prayed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 23.12.2022 in Na.Ka.No.157/AA4/2022, on the file of the third respondent and quash the same, directing the respondents

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1 to 3, to accord approval to the appointment of the petitioner working as Secondary Grade teacher in the fifth respondent – St.Mary’s Primary School, Mambakkam, Kancheepuram – 603 106, w.e.f 02.06.2017, with all monetary and service benefits.

For Petitioner : Ms. H. Mary Sowmi Rexi,
for M/s. ISSAC Chamber, Mr. P. John, Mr. K. Krishnan.

For Respondents : Mrs. S. Mythreye Chandru, (for R1 to R4)
Special Government Pleader.

: Mrs. Ram Prasath, (for R5)

ORDER

This Writ petition has been filed challenging the order passed by the third respondent dated 23.12.2022 whereby the proposal sent by the fifth respondent for approval of appointment of the petitioner to the post of Secondary Grade teacher was rejected.

2. The petitioner was appointed as Secondary Grade Teacher with effect from 02.06.2017 in a sanctioned vacancy in the fifth respondent school. The fifth respondent school is a minority aided institution. The petitioner acquired Teacher Eligibility Test (TET) qualification in the year 2013, and thereafter, the proposal for approval of his appointment was duly submitted. However, the said proposal was rejected by order dated 12.10.2018 by the third respondent, which was challenged before this Court.



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3. This Court, by order dated 18.04.2022 in W.P.No.24753 of 2021, set aside the said rejection order and remanded the matter back to the Chief Educational Officer for passing fresh order. However, once again the proposal was rejected on the very same ground, namely that approval cannot be granted as there were 25 surplus Secondary Grade Teachers working in other aided schools in Kancheepuram District.

4. Admittedly, the petitioner was appointed prior to the issuance of G.O.(Ms).No.165, School Education Department, dated 17.09.2017 and the proposal for approval was also submitted prior to the said Government order. The rejection on the ground of surplus teachers in other aided Schools in the district of Kancheepuram cannot be sustained. This issue has already been conclusively dealt with by the Hon'ble Division bench of this Court in W.A.No.2319 of 2022, dated 08.07.2024, wherein it was held that the appointments made prior to 17.09.2017 cannot be invalidated or approval for such appointments cannot be refused on the ground of surplus teachers under G.O.(Ms)No.165, School Education Department, dated 17.09.2017. Therefore, the ground on which the approval was rejected that there are surplus, cannot be countenanced.



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5. That apart, the petitioner was appointed against a sanctioned vacancy. In view of the above facts and settled legal position, the impugned order cannot be sustained and is liable to be set aside. Accordingly, the Writ petition is allowed. No costs. Consequently, the connected miscellaneous petitions are also closed.

6. The respondents 1 to 3 are directed to grant approval to the appointment of the petitioner as Secondary Grade Teacher in the fifth respondent school with effect from 02.06.2017 and to disburse all consequential monetary and service benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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Index : Yes/No
Speaking/Non-Speaking Order
Neutral Case Citation : Yes/No

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