



WEB COPY



W.A.No. 1115 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 1115 of 2024
and C.M.P. No. 8015 of 2024

1. The State Tamil Nadu

Rep. by its Secretary to Government
Education Department, Chennai-9.

2. The Director of Elementary Education

D.P.I.Buildings, College Road
Chennai-600006.

3. The District Educational Officer

Vaniyambadi, Thirpattur District.

4. The Block Educational Officer

Peranambut Range, Peranambut.

... Appellants

Vs.

Manager & Correspondent

Nusrathul Islam Aided Primary School

Peranambut – 635810.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 26.09.2023 passed in W.P.No. 27910 of 2021.



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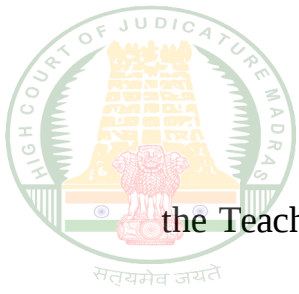
For Appellants : Mr.U.M.Ravichandran, SGP

For Respondent : Mr.S.N.Ravichandran

J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

This appeal challenges the order in W.P. No. 27910 of 2021 dated 26.09.2023 in and by which the writ Court allowed the writ petition filed by the Management challenging the order refusing approval for appointment of one Shabana Begum as a Secondary Grade Teacher. The rejection was based on the fact that there were surplus Teachers in other schools in the District and without redeploying them, the Management cannot appoint fresh Teacher. This issue has been considered by this Court in W.A. No. 2319 of 2022 etc., batch. vide a judgment dated 08.07.2024, this Court had held that G.O.Ms. No. 165, School Education Department dated 17.09.2019, which prohibits appointments in cases where there are surplus Teachers is prospective and appointments made prior to 17.09.2019 cannot be invalidated or approval for such appointments cannot be refused on the ground that there are surplus Teachers. The question of passing



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the Teachers Eligibility Test, though not made a ground for rejection, will also

not arise as the institution is a minority institution and Teachers Eligibility Test

qualification is not required for persons, who are appointed as Teachers in the

minority institution. Hence, the writ appeal fails and it accordingly dismissed.

The appellants will grant approval to the appointment of Tmt.Shabana Begum

within a period of twelve(12) weeks from the date of receipt of a copy of this

order. Consequently, connected miscellaneous petition is closed. No costs.

(R.S.M.,J.) (G.A.M.,J.)

02.04.2025

Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-Speaking order

Maya

To

1. The Secretary to Government of Tamil Nadu
Education Department, Chennai-9.

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