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W.A.No.614 of 2022

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.614 of 2022
and C.M.P. No. 4369 of 2022

1.The Government of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St. George, Chennai-600009.

2.The Director of Elementary Education
College Road, Chennai-600006.

3.The District Educational Officer
The District Educational Office
Kancheepuram – 631501.

4.The Block Educational Officer
The Block Educational Office
Uthiramerur – 603406
Kancheepuram District.

... Appellants

Vs.

The Correspondent, St. Mary's Primary School
104, Mambakkam, Kancheepuram District-603106.

... Respondent



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 02.11.2021 passed in W.P.No.20517 of 2021.

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

For Respondent : Ms.H.Mary Sowmi Rexi for M/s.Isaac Chamber

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. 20517 of 2021 dated 02.11.2021 in and by which the writ Court allowed the writ petition filed by the Management challenging the order refusing approval for appointment of one D.Divya 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



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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

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

not arise for the institution is a minority institution as 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.D.Divya 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



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R.SUBRAMANIAN, J.

and

G.ARUL MURUGAN, J.

Maya

To

1.The Secretary to Government of Tamil Nadu
Department of School Education
Fort St. George, Chennai-600009.

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