



W.P.No.20819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.20819 of 2025 and
W.M.P.Nos.23492, 23493 and 23494 of 2025

1. D. Santhi
2. N.Arusamy

...Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. Director of School Education,
DPI, Campus,
College Road,
Nungambakkam,
Chennai - 600 006.
3. The Chief Educational Officer,
Office of the Chief Educational Office,
Tiruppur.
4. The District Educational Officer,
Office of the District Educational Officer,
Tiruppur District



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5. V.Muthappa Chettiyar Dharma Vidyalaya Higher Secondary School,
Thayapalayam,
Kangeyam Taluk,
Tiruppur District - 638 703.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in O.Mu.No.2668/AA5/2025 dated 06.05.2025 & O.Mu.No.2669/AA5/2025 dated 06.05.2025 and the consequential orders issued by the 5th respondent in Na.Ka.No.01/2025 dated 16.05.2025 & Na.Ka.No.02/2025 dated 16.05.2025 and quash the same and direct the 5th respondent to reinitiate the petitioners into service and accordingly given direction to the first to 4th respondent herein to approve the petitioners appointment orders dated 03.02.2025 and 04.02.2025.

For Petitioner : Mr. P.Nethaji
For R1 to R4 : Mr.S.Prabhakaran,
Government Advocate
For R5 : Mr.R.Bharanidharan,
Standing Counsel

ORDER

The writ petition is filed for the below relief:

"calling for the records of the 4th respondent in O.Mu.No.2668/AA5/2025 dated 06.05.2025 & O.Mu.No.2669/AA5/2025 dated 06.05.2025 and the consequential orders issued by the 5th respondent in Na.Ka.No.01/2025 dated 16.05.2025 & Na.Ka.No.02/2025 dated 16.05.2025 and quash the same and direct the 5th respondent to reinitiate the petitioners into service and accordingly given direction to the first to 4th respondent



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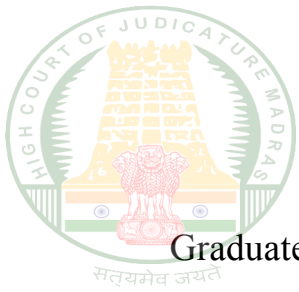
*herein to approve the petitioners appointment orders dated
03.02.2025 and 04.02.2025."*

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2. The brief facts which are culminated in the filing of the writ petition are set out below:

2.1. The petitioners herein hail from poor family and belong to Most Backward Class and Schedule Caste - Arundhatiyar respectively. They were qualified and eligible for appointment to the post of the Graduate Teacher English and Science.

2.2. It is the case of the petitioner that on 07.01.2025, the 5th respondent had issued paper notification for inviting applications for the ppost of Graduate Teacher - English and Science. Based on the notification, the first petitioner had applied for the post of Graduate Teacher English and the second petitioner had applied for the post of Graduate Teacher - Science through physical mode. The qualification for the post of Graduate Teacher - English was a Degree in B.A., (English) and that the candidate should have studied B.Ed., and should have completed TET (Teacher Eligibility Test). As regards

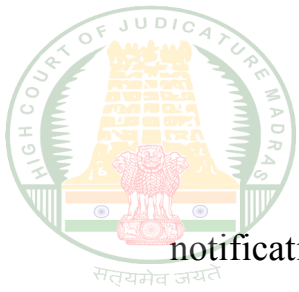


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Graduate Teacher - Science, candidates should have completed a Degree in B.Sc. (Chemistry, Physics, Zoology, Astronomy). These were the qualification prescribed in the notification.

2.3 The 5th respondent in the paper notification has clearly mentioned that selection to the mentioned category of Posts is on the rotational basis. As regards the Graduate Teacher - English, it was by General Turn and there was one vacancy. With regard to Graduate Teacher - English it was SCA and the vacancy was one.

3. By letter dated 22.01.2025, the 5th respondent had called the petitioners for interview and both the petitioners had come out successful in the interview. The 5th respondent thereafter issued the appointment orders dated 03.02.2025 and 04.02.2025 whereby the first petitioner was appointed as Graduate Teacher English based on General Turn and the second petitioner was appointed as Graduate Teacher - Science under the category of SCA. Thereafter, the 5th respondent had issued yet another paper notification on 06.05.2025 by adding one more subject which is clearly mentioned in the



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notification namely Graduate Teacher - English under SCA Roster, Graduate Teacher - Science under BC roster, Graduate Teacher - Social Science Graduate - MBC Roster. After having appointed the petitioners, there is no reason given as to why the second notification was issued for the post to which the petitioners had already been appointed by adding one more subject namely Graduate Teacher - Social Science.

4. The petitioners had filed W.P.No.18114 of 2025 challenging the 2nd paper notification dated 06.05.2025 and this Court have granted Interim stay. Thereafter, Respondents 4 and 5 were issued the present impugned order cancelling the appointment of the petitioners without assigning any valid reason. Therefore, the petitioners are before this Court. The petitioner would challenge the said order on two grounds. A) that the cancellation has been done without notice to the petitioners. B) the original notification was only for the very same stream that is called for in the second petition albeit that the notification of a recruitment of one more category of Graduate Teacher - Social Science. The petitioners also submitted that they have been without salary, for a period of 3 months after the original notification. The learned



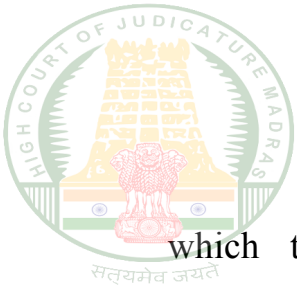
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Counsel for the petitioner would lay emphasis on these factors.

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5. Per contra, Mr.R.Bharanitharan, Standing Counsel who is appearing on behalf of the 5th Respondent would submit that as per the earlier Government Order namely G.o.M.S.241 - Personnel and Administrative Reforms (K) Department dated 29.10.2007, it was prescribed in schedule III to the General Rules for Tamil Nadu State and Subordinate Services be revised into 200 point roster providing reservation for the Backward Class Christians and the Backward Class Muslims at three and one-half percent each within 30 percent reservation available for Backward Classes. The clause had been revised by G.O.M.s.No.101, Personnel and Administrative Reforms Department dated 30.05.2008. It was made clear that for all appointments made on or after 15.09.2007, it would be 200 point roster which would be applicable. Therefore, he would submit that while issuing first notification, it was only 100 point roster which was taken note of where as with effect from 15.09.2007 it was 200 point roster that has to be taken into consideration.

6. Further he would submit that in the very paper notification based on



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which the petitioners made their application had clearly stated that appointment was subject to approval of the Government. Since the notification did not follow prior roster, the Government refused to grant approval and consequently the appointment order of the petitioner had been cancelled.

7. Heard the Counsels on either side and perused the records.

8. It is seen that the appointment order issued to the petitioners on 03.02.2025 and 04.02.2025 clearly contain the following clause.

"இந்நியமனம் கல்வித்துறையின் ஒப்புதலுக்குட்பட்டது"

9. That apart, the paper notification is based on 100 point roster, whereas after 15.09.2007 (much prior to the instant notification), the appointment was to be made as per the 200 point roster and therefore, the appointment made on the 100 point roster was not approved by the Government. Since the same was not approved, the same is automatically stood cancelled. Since approval was not granted, the appointment automatically become invalid and consequently cancelled. Therefore, there



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was no necessity to issue notice to the petitioners, as the very appointment order clearly reads that the appointment is subject to approval of the Government. Therefore, considering the fact that the notification dated 08.01.2025 was contrary to the guidelines laid down in G.o.M.S.241- Personnel and Administrative Reforms (K) Department dated 29.10.2007, I see no reason to quash the orders of 4th and 5th Respondents.

10. Accordingly the writ petition stands dismissed. Consequently miscellaneous petitions are closed. There shall be no order as to costs.

13.08.2025

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

1. The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. Director of School Education,

8/10



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