



W.P.No.39289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2025

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

W.P.No.39289 of 2025

and

W.M.P.Nos.44097 & 44098 of 2025

P.Jayaprabha

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education,
College Road, Chennai – 600 006.
3. The District Elementary Education Officer,
Tindivanam, Tindivanam Taluk,
Villupuram District.
4. The Block Educational Officer,
The Block Education Office,
Melmalayanur Block, Villupuram District – 604 204.
5. The Correspondent,
M.D.Aided Primary School,
Gnanodhayam, Melmalayanur Block,
Villupuram District – 604 208.

...Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders passed by the 3rd respondent in his proceedings in O.Mu.No.709/A4/2024 dated 16.10.2024 and the consequential order passed by the 4th respondent in O.Mu.No.78/A3/2023 dated 30.10.2024 and quash the same and direct respondents 1 to 4 to approve the appointment of the petitioner as Secondary Grade Teacher in the 5th respondent school with salary and all attendant benefits from the date of her initial appointment i.e., from 04.02.2022 forthwith.

For Petitioner : Mr.P.Ebenezer Paul

For Respondents : Mrs.S.Mythreye Chandru, Spl.GP(E), for R1 to 4

ORDER

This writ petition has been filed seeking to quash the order passed by the 3rd respondent in his proceedings bearing O.Mu.No.709/A4/2024 dated 16.10.2024 and the consequential order passed by the 4th respondent in O.Mu.No.78/A3/2023 dated 30.10.2024 and to consequently, direct the respondents 1 to 4 to approve the appointment of the petitioner as Secondary Grade Teacher in the 5th respondent school with salary and all attendant benefits from the date of her initial appointment i.e., from 04.02.2022 forthwith.



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2. Mrs.S.Mythreye Chandru, learned Special Government Pleader (Education) takes notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned counsel on either side, this writ petition is taken up for final disposal at the admission stage itself.

3. Since no order adverse to the interest of the 5th respondent is passed, notice to the said respondent is dispensed with.

4. The case of the petitioner is that she had completed her Diploma in Teacher Education during July, 2004. On 04.02.2022, the petitioner was appointed as a Secondary Grade Teacher in the 5th respondent school and on the same day, i.e., 04.02.2022, she joined the services of the 5th respondent school. Subsequently, on 07.02.2022, the 5th respondent sent a proposal to the 4th respondent seeking approval of the petitioner's appointment. Pursuant to the same, the 4th respondent, vide proceedings dated 02.03.2024 demanded the 5th respondent to declare that there is no surplus teacher working in the 5th respondent school and declaration to that effect was also given by the Board of Elementary Education of the CSI Diocese of Vellore,



which is running the 5th respondent school. Thereafter, the 5th respondent resubmitted the proposal for approval on 24.01.2024, pursuant to which, the 4th respondent asked for certain documents and on 13.03.2024, the 5th respondent re-submitted the proposal for the approval of the appointment of the petitioner with all requisite documents. However, the 3rd respondent, vide proceedings dated 16.10.2024, rejected the approval of the appointment of the petitioner on the ground that the petitioner has not passed Teacher Eligibility Test (in short 'TET'), based on the order of the Madurai Bench of this Court in W.A.(MD).No.323 of 2023 dated 20.11.2023, which mandates pass in TET, for teachers appointed in minority institutions. Thereafter, vide consequential order dated 30.10.2024, the 3rd respondent had returned the proposal sent by the 5th respondent school stating that the petitioner's appointment will be considered once she passes TET. Aggrieved by the same, the petitioner has filed this writ petition.

5. Learned counsel for the petitioner submitted that the petitioner was appointed as a Secondary Grade teacher as early as on 04.02.2022 and on the said date, there were enough students and the petitioner was not a surplus teacher and she was appointed in the promotion vacancy of one T.S.Wesley,



who was promoted as Headmaster in the 5th respondent school. He further submitted that, pursuant to the proceedings of the 4th respondent dated 02.03.2024, demanding the 5th respondent to declare that there is no surplus teacher working in the 5th respondent school, a declaration to that effect was also given by the Board of Elementary Education of the CSI Diocese of Vellore, which is running the 5th respondent school. It is his further contention that the 5th respondent institution being a minority school and the petitioner having joined the 5th respondent school in the year 2022, there is no requirement to pass TET. However, without considering any of the above said facts, the present impugned orders came to be passed refusing to approve the petitioner's appointment, which is not sustainable. Accordingly, he prayed for appropriate orders.

6. Learned Special Government Pleader (Education) appearing for the respondents 1 to 4 submitted that the impugned orders were passed only in sync with the order dated 20.11.2023 passed by the Madurai Bench of this Court in W.A.(MD).No.323 of 2023, as per which the teachers in minority institutions are required to pass TET and hence, the same do not warrant interference.



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7. Heard learned counsel on either side and perused the materials available on record.

8. The facts are not in dispute. Further, it is pertinent to note that pursuant to the demand made by the 4th respondent, the 5th respondent management has submitted a declaration that there is no surplus teacher working in any of the schools run by the 5th respondent and it is also evident from the staff fixation order dated 18.12.2023 issued by the 3rd respondent that there is no surplus teacher. That apart, in the staff fixation order, it is also stated that there is a post of one Headmaster and one post of Secondary Grade Teacher and totally, two posts are sanctioned by the authority. Superadded, as rightly argued by the learned counsel for the petitioner, the 5th respondent institution being a minority school and the petitioner having joined the 5th respondent school in the year 2022, there is no requirement to pass TET and when the petitioner's appointment is otherwise entitled to be approved, the 3rd and 4th respondents ought to have approved the appointment of the petitioner instead of returning and rejecting the 5th respondent school's proposal.



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9. In view of the above, this Court is of the view that the 3rd and 4th respondents have grossly erred in rejecting and returning the proposal of the 5th respondent seeking approval of the petitioner's appointment as a Secondary Grade Teacher and accordingly, the impugned orders dated 16.10.2024 and 30.10.2024 passed by the 3rd and 4th respondents respectively, rejecting and returning the approval of the petitioner's appointment are set aside. The 3rd respondent is directed to approve the petitioner's appointment from 04.02.2022, upon being satisfied that the petitioner was not appointed as a surplus teacher and there were sufficient vacancies at the time of her appointment. Further, the salary and other attendant benefits which the petitioner is entitled to, shall be paid to her from the date on which her appointment is approved.

10. With the above directions and observation, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

22.10.2025

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

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To:

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School Education Department,
Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education,
College Road, Chennai – 600 006.
3. The District Elementary Education Officer,
Tindivanam, Tindivanam Taluk,
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