



W.P.No.28595 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28595 of 2025
and W.M.P.No.32016 of 2025

S.Mani

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road,
Chennai – 600 006.

2. The District Educational Officer (Elementary)
Vriddhachalam,
Cuddalore District.

3. The Block Educational Officer,
Nallur, Cuddalore District.

4. The Correspondent,
D.M. Elementary School,
Kattumailur – 606 304,
Cuddalore District.

5. The Central Manager,
Arcot Lutheran Church,
D.M. Elementary & Higher
Elementary School,
ALC Central Office,
No.9, A.L.C. Campus,
Cuddalore – 607 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of the second respondent made in his proceedings in Na.Ka.No.143/A3/2024, dated 27.05.2025 and quash the same and direct the respondents 1 to 3 herein to approve the appointment of the petitioner in the fourth respondent school from the date of his appointment ie., 16.11.2016 with all consequential service and monetary benefits including arrears of salary.

For Petitioner : Mr.A.S.Kaizer

For Respondents

For R1 to R3 : Mrs.S.Muthreye Chandru
Special Government Pleader

For R4 : No appearance

For R5 : Mr.M.S.Seshadri

ORDER

This Writ Petition has been filed challenging the order dated 27.05.2025 passed by the second respondent, thereby rejecting the proposal submitted by the fourth respondent seeking approval of the petitioner's appointment in the post of secondary grade Assistant Teacher in the fourth respondent school from 16.11.2016.

2. The petitioner was appointed as secondary grade Assistant Teacher in the fourth respondent school in the sanctioned permanent



vacancy. The said vacancy was arose due to promotion and transfer of one K.Elizabeth Reeta Jothibai, as secondary grade Assistant Teacher.

Immediately, the fourth respondent submitted proposal for approval of the petitioner's appointment. However, it was rejected on the ground that there was surplus post in the secondary grade Assistant Teacher. It was challenged in a Writ Petition in W.P.No.22735 of 2019 and this Court set aside the order of rejection and remitted back the matter for fresh consideration. However on two times, the proposal was rejected for some other reasons. Therefore, the petitioner was constrained to approach this Court and on all three occasions, the order of rejected was set aside and remitted back for fresh consideration, by this Court. This time also the proposal was rejected on the ground that the petition was not qualified with Teachers Eligibility Test (hereinafter referred to as "TET") and also there was surplus. Accordingly, by the impugned order, the respondents added one more ground to reject the appointment of the petitioner.

3. The learned counsel appearing for the petitioner submitted that in the year 2016-2017, the fourth respondent school was having the student strength of 97 and there were four sanctioned posts including one Head Master and three secondary grade Teacher. In the said posts, there



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was one vacancy and in the said vacancy, the petitioner was appointed as secondary grade teacher. Insofar as the eligibility of TET is concerned, the fourth respondent school is being a minority school, the qualification of TET does not require.

4. The learned Special Government Pleader appearing for the respondents submitted that 18 surplus posts are there in the fourth respondent school and as such the appointment of the petitioner cannot be considered for approval.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly, the petitioner was appointed in the sanctioned vacancy due to the promotion and transfer of one Elizabeth Reeta Jothibai as secondary grade Assistant Teacher. Therefore, there is no surplus at the time of his appointment. Though the respondents, on second and third occasions, had rejected the proposal on the ground of the Government Order in G.O.Ms.No.165 dated 17.09.2019, the Hon'ble Division Bench of this Court at Madurai in W.A.(MD)No.76 of 2019 by an order dated

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19.04.2022 clarified that if he appointed to the post of secondary grade teacher prior to the issuance of G.O.Ms.No.165 dated 17.09.2019 and also the proposal for approval of the such appointment was forwarded to the educational authority, the petitioner is entitled for approval. Further the Hon'ble Division Bench has declared that the G.O. is inoperative.

7. Considering the above facts and circumstances, the rejection order for grant of approval cannot be sustained and is liable to be quashed. Accordingly, the impugned order dated 27.05.2025 passed by the second respondent is hereby quashed and the appointment of the petitioner to the post of secondary grade teacher from the date of his appointment i.e., from 16.11.2016 is hereby approved. The respondent 1 to 3 are directed to disburse the salary of the petitioner from the date of his initial appointment dated 16.11.2016 and all other benefits, within a period of eight weeks from the date of receipt of a copy of this Order. After disbursal of the entire arrears of salary, if the respondents 1 & 2 find that the post of the petitioner is surplus, he may be posted in any other school in the regular sanctioned vacancies.



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8. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



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