



W.P.No.38905 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

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

W.P.No.38905 of 2025

and

W.M.P.Nos.43540 & 43541 of 2025

P.Isac Newton

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Petitioner

Vs

1. The Director of School Education,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road,
Chennai-600 006.

2. The Chief Educational Officer,
Cuddalore District,
Cuddalore.

3. The District Educational Officer (Secondary),
Cuddalore,
Cuddalore District.

4. The Secretary,
Danish Mission Hr. Sec. School,
Nellikuppam-607 105,
Cuddalore District.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records



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relating to the impugned proceedings issued by the 3rd Respondent in Na.Ka.No.4120/A5/2025 dated 07.07.2025 and to quash the same and consequently directing the Respondents 1 to 3 to approve the appointment of the petitioner in the post of B.T. Assistant (English) in the 4th Respondent School with effect from 05.12.2024 with all consequential and other attendant benefits including payment of arrears of salary, within a time frame to be fixed by this Court.

For Petitioner	: Mr.G.Sankaran Senior Counsel for Mr.S.Nedunchezhiyan
For R1 to R3	: Mrs.Mythreye Chandru Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 07.07.2025 passed by the third respondent, thereby rejecting the proposal for approval of the petitioner's appointment to the post of B.T.Assistant (English) in the fourth respondent school.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3. Perused the materials available on record.



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3. The petitioner is qualified with B.Ed. Degree from Tamil Nadu Teachers Education University. The fourth respondent school is a Government Aided Minority Institution functioning under the Corporate Management of the Arcot Lutheran Church. There is a vacancy to the post of Secondary Grader Teacher arose due to retirement of Ester Inbarani. The said post, which involved handling classes in the High School Section, was upgraded as B.T.Assistant (English). Therefore, the petitioner was selected and appointed as B.T.Assistant (English) in the fourth respondent school and he joined duty on 05.12.2024. After his appointment, the fourth respondent submitted a proposal for approval of the petitioner's appointment with all requisite documents and records. Initially, the said proposal was returned by the third respondent by a communication dated 11.04.2025, thereby calling upon the fourth respondent to submit further particulars, including the details as to whether any surplus B.T.Assistant (English) was working in other schools functioning under the same Corporate Management. The fourth respondent thereafter clarified that no surplus B.T. Assistants (English) were not working in any of the schools under the same Corporate Management.



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4. On receipt of the said clarification, the third respondent ought to have forwarded the proposal to the second respondent for consideration. However, the third respondent, without forwarding the same to the second respondent, rejected the proposal relying upon G.O.(2D) No.178, dated 23.12.2024, on the ground that prior orders from the competent department were required for filling up the sanctioned post of Secondary Grade Teacher upgraded as B.T.Assistant, with fixation of subject roster by the department. As per the subject roster, the fourth respondent school was entitled to the post of B.T.Assistant (History). Further, the fourth respondent school had appointed the petitioner without obtaining prior permission from the Department.

5. On instructions, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the competent authority to consider the proposals is only the second respondent. However, the third respondent, without forwarding the proposal to the second respondent, rejected the same. Further, the fourth respondent, without obtaining prior permission, had appointed the petitioner as B.T. Assistant (English) and it is



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against the G.O.(2D) No.178, dated 23.12.2024. As per the subject roster, the fourth respondent school is sanctioned only with the post of B.T. Assistant (History). Therefore, in the absence of prior approval from the Department for filling up the upgraded Secondary Grade Teacher post as B.T.Assistant, the proposal submitted by the fourth respondent was rightly rejected by the third respondent.

6. G.O(2D) No.178, dated 23.12.2024 cannot be relied upon insofar as the fourth respondent school is concerned, since it remains to be a minority institution. Further, the petitioner's appointment was made as early as on 30.11.2024. At present, there are only two B.T. Assistant teachers working in the fourth respondent school. It is well settled that the fixation of the subject roster in the minority institution is to be determined based on the needs of the school, and such discretion cannot be interfered with. The fourth respondent, being a minority institution, filled up the post of B.T. Assistant in the subject English based on the needs of the school. Further, the vacancy for the Secondary Grade post has been upgraded as B.T. Assistant in accordance with Government order. Therefore, the question of



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obtaining prior permission for filling up the post in respect of minority institution does not arise. That apart, the third respondent is not a competent authority to pass order on the proposal sent by the fourth respondent for approval of the petitioner's appointment. Therefore, the order impugned in this writ petition cannot be sustained and is liable to be set aside.

7. Accordingly, the order dated 07.07.2025 passed by the third respondent, is hereby set aside. The matter is remanded back to the second respondent for consideration and passing of appropriate orders, in accordance with the observations made by this Court, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation :Yes/No

Index:Yes/No

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