



WEB COPY

WA No. 3949 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
&
THE HON'BLE MR.JUSTICE SHAMIM AHMED**

WA No. 3949 of 2025

The Correspondent
Danish Mission Elementary School,
T.Edaiyar, T.Mazhavarayanur,
Elandurai, Thiruvannainellur Taluk,
Villupuram District.

.. Appellant

Vs

1. The Director of School Education
DPI Campus,
Chennai 600 006.
2. The Chief Educational Officer,
Villupuram District
3. The District Elementary Educational Officer,
Villupuram District
4. The Block Educational Officer,
Thiruvannainellur Taluk,
Villupuram District

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent to set aside the order passed by this Court in WP No.13566 of 2025, dated 18.11.2025.

For Appellant : M/s. Dakshayani Reddy,
Senior Counsel for
Mr C.Mahendran

For Respondents : Mr.J.C.Durairaj,
Addl. Govt. Pleader



JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court Appeal has been directed against the order passed by the Writ Court dated 18.11.2025 in W.P.No.13566 of 2025.

2. The present Appellant was the writ Petitioner before the Writ Court which is a minority institution under the Management of Arcot Lutheran Church. In that school, there was a vacancy arises due to the promotion of one Marilyn Serena Chellakumari as Head Mistress of the School, w,.e.f. 01.03.2019. Therefore, a vacancy of Secondary Grade Teacher arises from 01.03.2019, wherein, one K. Kennedy Christopher was appointed as a Secondary Grade Teacher with effect from 01.03.2019 and thereafter, the School Management had sent the proposal to the officials concerned for approval.

3. The said proposal has been rejected by the official respondents on the two grounds namely, as per GO. Ms.No.165, the appointment, in case of any surplus teachers available, cannot be approved. The second reason is that the teacher appointed has not qualified with TET, ie., Teacher Eligibility Test. These are all the two grounds, under which, the proposal sent by the School was



rejected.

WEB COPY

4. As against which, when the Writ Petition was filed, the learned Writ Court, had accepted that the G.O.Ms.No.165 has subsequently been made inoperative by the decision of the Division Bench. Also it is the further decision of the Division Bench that this position since holds good to state that in respect of minority institutions, the insistment of Teacher Eligibility Test qualification is not required. Though these two grounds are available, the learned Judge was not inclined to allow the Writ Petition for the simple reason that on the date of appointment i.e., on 01.03.2019, not in the School, but in some other Schools under the same management, since there were three surplus teachers, this appointment cannot be made or ought not to have been made on 01.03.2019 and on that sole ground alone, the learned Judge rejected the Writ Petition through the impugned order.

5. We have heard Mrs.Dakshayani Reddy, learned Senior Counsel appearing for the appellant and Mr.J.C.Durai Raj, learned Addl. Govt. Pleader appearing for the respondents.

6. An attempt has been made by the learned Addl. Government Pleader appearing for the official respondents to state that, when there has been surplus teachers admittedly in some of the Schools under the same Management, the



first step should have been taken by the corporate Management to re-deploy those excess teachers to the needy School, i.e., the present school, instead, if any new appointment is made, that kind of appointment cannot be approved, that is what in fact reflected in the GO.Ms.No.165, even though it has been made inoperative, the spirit of the GO can always be inherited and based on which, such a rejection could be made is the contention of the learned Addl. Government Pleader.

7. We are not impressed with the said submission made by the learned Addl. Govt. Pleader for the reason that, by the Division Bench Judgment, already GO.Ms.No.165 has been declared to be inoperative. Therefore that reason goes. Even though the Division Bench Judgment has made it clear that in case of surplus teachers, no new appointment can be made and that cannot be approved, provided, if the School is a stand alone institution. Here, it is not the case. The School is not a stand alone institution. It is a group of Institutions. Therefore, the School, where the vacancy arose is a sanctioned vacancy, hence the teacher who have been appointed in the sanctioned vacancy after approval can be re-deployed to any other School or a directive can be issued by the official respondents to the corporate management or Management of the School concerned to re-deploy every such surplus teacher to the needy school by sending those teachers in a common pool for which, a complete compendium of guidelines or directions have already been issued by the



Division Bench, which in fact has been brought by way of Rule in the year 2023. Therefore, on the basis of the direction given by the Division Bench and the rules therein issued, by the respondents i.e., Government of Tamil Nadu, School Education Department, such kind of re-deployment of excess teachers process can be undertaken as a routine measure in every academic year, but that cannot be linked with the approval to be given for an appointment made in a sanctioned vacancy in a particular school on the given date.

8. In so far as the 2nd reason of non qualifying with the TET is concerned, as of now, the law is well settled that minority institutions cannot be insisted upon to appoint a teacher only with the qualification of TET. Unless the legal position is altered, the present insistment of TET qualification of the teachers being appointed in a minority school is not possible and therefore that reason also cannot stand in the way to approve such appointment. These aspects since have not been considered by the learned Judge in proper perspective in the writ proceedings which ultimately concluded in the impugned order, We are inclined to interfere with the same and there by the impugned orders are set aside and the Writ Appeal has to be allowed.

9. Accordingly, the Writ Appeal is allowed and the approval sought for by the appellant School for the appointment made in respect of teacher



concerned w.e.f. 01.03.2019 shall be complied with and approval shall be given by the official respondents within a period of three months from the date of receipt of a copy of this order, of course with all attendant benefits including monetary and salary benefits. No costs.

[R.S.K.,J.]

[S.S.A.,J.]

17-12-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr

To

1. The Director of School Education
DPI Campus,
Chennai 600 006.
2. The Chief Educational Officer,
Villupuram District
3. The District Elementary Educational Officer,
Villupuram District
4. The Block Educational Officer,
Thiruvannainellur Taluk,
Villupuram District



WEB COPY

WA No. 3949 of 2



**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

msr

WA No. 3949 of 2025

17-12-2025