



W.P.(MD)No.1149 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1149 of 2025

and

W.M.P(MD).No.779 of 2025

Mr.A.Savariappan

Vs.

... Petitioner

1. The Government of Tamil Nadu,
Represented by its Additional Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.
3. The Chief Educational Officer,
The Office of the District Educational Officer,
Sivakasi,
Virudhunagar District.
4. The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Sivakasi,
Virudhunagar District.



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5. The Correspondent,
Velankanni Matha Higher Secondary School,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the record pertaining to the impugned proceedings, dated 15.05.2024, in O.Mu.No.8086/AA6/2024, on the file of the 4th respondent and quash the same, in respect of the petitioner, directing the respondents to approve the promotion of the petitioner Mr.A.Savariappan, working as B.T.Asst. (Tamil) teacher in Velankanni Matha Higher Secondary School, Sivakasi, Virudhunagar District, w.e.f. 16.06.2023, and release salary, with all service and monetary benefits.

For Petitioner	: Mr.S.Savarimuthu for M/s.Father Xavier Associates
For Respondents	: Mr.N.Satheesh Kumar Additional Government Pleader

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher working in the 5th respondent school, challenging the order passed by the 4th respondent herein, wherein the proposal of the management to approve the promotion as B.T.Assistant (Tamil) has been rejected.



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2. A perusal of the impugned order reveals that the proposal forwarded by the management has been rejected on the sole ground that so far guidelines have not been issued by the Government for approving the appointment/promotion of B.T.(Assistant) Teachers.

3. According to the learned counsel appearing for the petitioner, the 5th respondent school is a minority institution administered by corporate management. The petitioner who was working in the said school as Secondary Grade Teacher has been promoted as B.T.Assistant (Tamil) in the retired vacancy of one Mrs.Grace Fathima with effect from 16.06.2023.

4. He further submits that the school has been sanctioned with only one post of B.T. Assistant (Tamil) and the said post has become vacant due to retirement and therefore, the petitioner has to be accommodated in the said post.



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5. Per contra, learned Additional Government Pleader appearing for the respondents had contended that the Government has so far not issued any guidelines relating to the appointment of the B.T. Assistant teachers and therefore, orders passed in the impugned order may be sustained.

6. The reason assigned in the impugned order for rejecting the proposals submitted by the management is legally sustainable.

7. I have carefully considered the submissions on either side and perused the materials available on records.

8. As and when vacancies arise in an aided schools, the management is entitled to appoint the teachers within the sanctioned strength and in case there are no surplus teachers, the authorities cannot expect guidelines to be issued for each and every appointment. Therefore, the reasons stated in the impugned order are not legally sustainable.



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9. In view of the above said facts, the impugned order is set aside and the matter is remitted back to the file of the 4th respondent. The 4th respondent shall forward the same to the 3rd respondent. The 3rd is directed to approve the promotion order of the writ petitioner as B.T. Assistant (Tamil) in the 5th respondent school with effect from 16.06.2023 and release the eligible monetary benefits and pass orders within a period of 12 weeks from the date of receipt of proposal from the 4th respondent.

10. The writ petition is allowed with the above observations and directions. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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R.VIJAYAKUMAR, J.

rgm

To

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