



W.P.(MD)No.1254 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.1254 of 2025

S.Felci Sagaya Mery

... Petitioner

Vs.

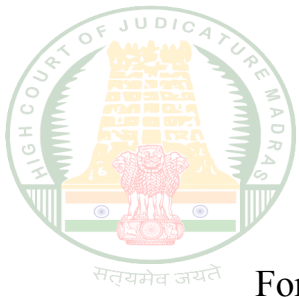
1.The Chief Educational Officer,
Trichy District.

2. The District Educational Officer,
Teppakulam Block,
Trichy.

3. The Correspondent,
Holy Cross Girls Higher Secondary School,
Teppakulam, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in Na.Ka.No. 4422/A4/2024 dated 14.11.2024 and to quash the same and direct the respondents to approve the appointment of the petitioner as B.T. Assistant (Science) from the date of appointment i.e., 02.07.2018 with salary and all other consequential benefits.



W.P.(MD)No.1254 of 2025

WEB COPY

For Petitioner

: Mr.V.Panneer Selvam

For Respondents

: Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard, the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and carefully examined materials available on record.

2. The third respondent school has appointed the petitioner as B.T. Assistant (Science) on 02.07.2018, due to the retirement of the then incumbent Mrs.R.Assuntha Mary A.Hilda, B.T.Assistant (Science). The third respondent school sent a proposal for approval, to the respondents. The second respondent rejected the proposal for the appointment of the petitioner as BT Assistant (Science) from the date of appointment i.e., on 02.07.2018, in the third respondent school.



W.P.(MD)No.1254 of 2025

WEB COP 3

3. The learned counsel for the petitioner submits that two reasons are assigned for rejecting the proposal submitted by the third respondent school. The first reason is production of surplus certificate and not passed Teachers Eligibility Test. The learned Counsel for the petitioner further submits that this Court already dealt with these three grounds on several occasions and the Division Bench of this Court in Writ Appeal with respect to the first reason assigned in the rejection order of Division Bench of this Court in ***District Educational Officer (Elementary), Tuticorin District -vs- The Correspondent, Meeraniya School, Middle School*** by its judgement dated 28.02.2025 in ***W.A. (MD).No.389 of 2025*** by following the earlier judgement of coordinate bench of this Court is the ***Chief Educational Officer, Tirunelveli and another Vs. S.Josephin Vijaya and another***, dated 14.12.2017 in ***W.A.(MD).No.1497 of 2017*** held that a minority institution will be well within its power to upgrade a sanctioned post. When coordinate Division Bench had already taken such view this Court see no justification on the part of the authorities in rejecting the proposal of the petitioner for appointment.



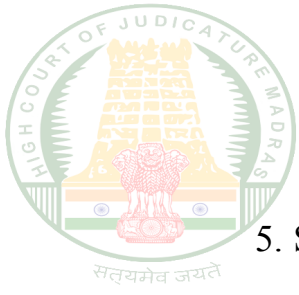
W.P.(MD)No.1254 of 2025

WEB COPY

4. With regard to the second reason assigned by the respondents, the Division Bench of this Court by its order dated W.A.(MD).No.76 of 2019 and batch on 31.3.2021 held that the Government Order in G.O.Ms.No.165 dated 17.09.2019 has been kept inoperative in **W.A.(MD).No.76 of 2019 batch dated 31.03.2021** in the case of **The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali** and the relevant portion of the order is extracted hereunder:

“95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases : (o) In view of the aforesaid, the G.O.Ms.No. 165, School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 is hereby declared to be inoperative.”

6. The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner School can get the advantage of getting approval of the appointment of Sunitha as B.T.Assistant Tamil. Therefore, the respondents cannot decline the approval of the appointment due to the reasons of TET eligibility or the deployment of the alleged surplus.”



W.P.(MD)No.1254 of 2025

5. Since the above analogy is applicable to the situation that has arisen in this case, the impugned order is liable to be set aside, the petitioner School is also entitled for the same relief.

6. In view of the above reasons, this writ petition is **allowed** and the impugned order is set aside. The respondents 1 and 2 are directed to pass orders to grant approval of appointment of the petitioner as BT Assistant (Science) in the third respondent School with effect from 02.07.2018 within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

02.04.2025
2/2

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.1254 of 2025

BATTU DEVANAND, J.

gvn

To:

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Trichy.
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W.P.(MD)No.1254 of 2025

02.04.2025

2/2