



W.P.(MD)No.3061 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.3061 of 2025
and
W.M.P.(MD).No.2132 of 2025

M.Rettrital

... Petitioner

Vs.

1.The Director of Elementary Education,
Directorate of School Education,
DPI Complex College Road,
Chennai-600 006.

2. The District Educational Officer (Elementary Education),
Dindigul,
Dindigul District.

3. The Block Educational Officer-2,
Nilakottai,
Dindigul District.

4. The Correspondent,
R.C. Middle School,
Ammapatti-624 206,
Dindigul District.

... Respondents



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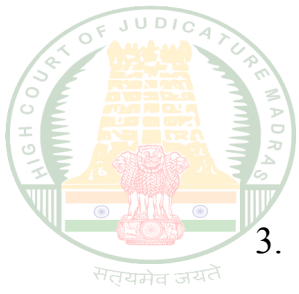
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.131/Aa3/2022 dated 22.03.2024 on the file of the Respondent No.2 and quash the same as illegal and consequently direct the respondent No.2 to approve the appointment of the petitioner who has been working for 12 years from 17.08.2012 as the B.T. Assistant (English) in the fourth respondent school, with all monetary and service benefits.

For Petitioner : Mr.S.Louis
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 learned Counsel for the petitioner would submit that the issue involved in this writ petition has already been dealt with by this Court on several occasions and he placed a copy of the order of this Court dated 10.02.2025 passed in W.P.(MD).No.31324 of 2024.



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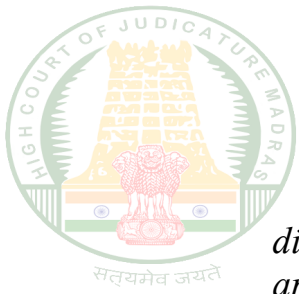
3. Admittedly, in the present case, the second respondent rejected the proposal sent by the school for approval of the appointment of the petitioner as BT Assistant (English) in the fourth respondent school from 17.08.2012 with all monetary and service benefits.

4. In respect of applicability of the cut off date for appointment, it is relevant to rely on the judgment of this Court held in W.P.(MD)No. 7479 of 2024 dated 17.04.2024, wherein in paragraph Nos.4, 5 & 6 it is held as follows:

"4. However, the learned counsel for the petitioner attracted the attention of this Court to the judgment passed by the Division Bench of this Court in W.A.(MD).No.2119 of 2021 dated 23.06.2023 in the case of The Commissioner of School Education, Vs Aided Muslim Committee Primary School, Rep. by its Correspondent, S.Sheik Shajakhan Sithik, wherein it is held as under:

"8.Moreover, the said G.O., was issued only on 17.09.2019, whereas the teacher was appointed well before the issuance of the said G.O., ie., 03.07.2018. Therefore, assuming if the said G.O., ultimately would be declared to be valid, that will have a prospective effect. Moreover, as on today, the said G.O., is no more available to the appellant department to say the reason that by virtue of G.O.Ms.No.165, the appointment made in respect of the teacher concerned at the 1st respondent school cannot be approved.

9. In that view of the matter, we have no hesitation to hold that the order impugned passed by the learned Single Judge is perfectly valid and therefore, it is to be sustained. In the result, this Writ Appeal fails, therefore, it is to be dismissed, accordingly, it is dismissed. As a sequel, there shall be a



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direction to the appellant Department to approve the appointment of the teacher concerned in the 1st respondent School and extend all service benefits from the date of such appointment to the teacher concerned within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

5. The learned counsel for the petitioner also submitted 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.”



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6. 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.

7. In view of the above reasons, this writ petition is **allowed** and the impugned order is set aside. The respondents 2 and 3 are directed to pass orders to grant approval of appointment of the petitioner as BT Assistant (English) in the petitioner School with effect from 17.08.2012 with all service and monetary benefits 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.

Consequently, connected miscellaneous petition is closed

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NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

gvn

To:

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Directorate of School Education,
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2. The District Educational Officer (Elementary Education),
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