



W.A(MD)No.894 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.894 of 2025
and
C.M.P(MD)No.5826 of 2025**

1.The Director of School Education,
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Nagercoil
Kanyakumari District – 629 001.

3.The District Educational Officer (Secondary),
Nagercoil,
Kanyakumari District – 629 001.

... Appellants/
Respondents 1 to 3

Vs.

1.T.Arul Jegan,
PG Assistant in Political Science,
St. Marys Higher Secondary School,
Colachel – 629 251,
Kanyakumari District.

... 1st Respondent/
Writ Petitioner



W.A(MD)No.894 of 2025

WEB COPY

2.The Correspondent,
St. Marys Higher Secondary School,
Colachel – 629 251,
Kanyakumari District.

... 2nd Respondent/
4th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 26.07.2024 made in W.P.(MD)No.17132 of 2024 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For R – 1 : Mr.S.Xavier Rajini

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed against the order, dated 26.07.2024, passed in W.P.(MD)No.17132 of 2024.

2.The Writ Petition was filed challenging the proceedings of the third appellant, dated 17.07.2023 and to direct the second appellant to approve the appointment of the first respondent/writ petitioner as PG Assistant (Political Science) in the second respondent School with effect from 01.07.2019 and to disburse grant-in-aid towards his salary and other monetary benefits.



W.A(MD)No.894 of 2025

WEB COPY

3. According to the first respondent/writ petitioner, he was appointed as a P.G Assistant (Political Science) in the second respondent School. When the writ petitioner's appointment was sent for approval, the same was returned on 17.07.2023 seeking certain clarifications. One of the clarifications was that the writ petitioner had completed M.A (Political Science) in the year 2014-2015 and thereafter, he had done B.A (Political Science) in the year 2015-2017. Hence, the proposal was returned seeking for Government Orders to approve the writ petitioner's qualification, as it deviated from the pattern of 10+2+3+2.

4. The writ Court, by order dated 26.07.2024, allowed the Writ Petition, wherein it is stated as follows:

“4.As per the Tamil Nadu Private Schools Regulations Rules, 1974, the qualification criteria required for appointment of PG Assistant is reads as follows:

“(i) a Master's Degree or its equivalent standard the subject in respect of which the appointment is made.

Provided that persons holding the certificate in Science and Humanities for Graduate Teachers in High Schools shall be considered for appointment as teachers in the subject relating to Science and Humanities:



W.A(MD)No.894 of 2025

WEB COPY

Provided further that, other things being equal, preference shall be given to those who have studied the same subject in which he has obtained the Post Graduate degree as main subject under Part III in degree level:

Provided also that for appointment to certain subjects in which Master's degree are not awarded, persons possessing Master's degree in other subjects shall be considered:

Provided also that a Master's degree in Statistics or its equivalent standard in Statistics shall be an alternative qualification for appointment as subject teachers in Maths by promotion; and

(ii) B.T. or B.Ed, degree or its equivalent"

However, the petitioner appears to have done his post graduation after he has got qualified in Under Graduation in some other subject (B.Sc., Maths) only, thereafter, he had done B.A (Political Science) also.

5.In Private Schools Regulation Rules, 2023 there is an addition stating that the candidate must possess UG and PG degree in the same subject or equivalent in respect of which the recruitment is made. Even though the Tamil Nadu Private Schools Regulation Act 2018 and its Rules, 2023 come into force only from 13.01.2023, the petitioner's appointment relates back to the year 2019, during which time, the old Rules is in force. The old Rules does not prescribe the condition that the candidate should possess both the UG and PG degree in one and the same subject.



W.A(MD)No.894 of 2025

WEB COPY

6.A similar issue when surfaced in W.P(MD) No. 16669 of 2016 and in the said case, the Government Order prescribing both the UG and PG degree in one and the same subject for the appointment of PG Assistant in Political Science has been challenged.

7.This Court has observed that the qualification prescribed under Section 56 of the Tamil Nadu Private Schools Regulations Act is applicable to the case of the petitioner therein and without amendment of the Rules, the execution orders in the name of G.O.Ms. No. 361 School Education Department, dated 31.12.1999 and G.O.Ms.No.720, Education Department, dated 28.04.1991 should be issued and even if such orders are issued that will not have any binding effect.

8.G.O.Ms.No.361, dated 31.12.1999 prescribes minimum qualification for the post and says that the candidate is eligible to be appointed to the post of PG Assistant, only if the candidate possess both UG and PG degree in one and the same subject. The Government Order mainly prescribed for the appointment of teachers in the Government School. But it also says that Rules are applicable to the Private Aided Schools as well. Since the Government Order has been passed without amending the Rules, it is held that the same is not applicable to the case of the petitioner.

9.In the instant case also, the petitioner, who has been appointed as a PG Assistant (Political Science), has got the qualification according to old G.O., which does not prescribe UG and PG should be in one and the same subject. In fact, in the case in hand, the petitioner has also got UG degree in Political Science, though it was attained by



W.A(MD)No.894 of 2025

WEB COPY *him after he had secured B.Sc., (Mathematics) and M.A., (Political Science). But at the point of time, in which, the petitioner obtained B.A., in Political Science does not matter, because the Rule which was enforced at the relevant point of time only prescribes PG qualification in Political Science. The petitioner's additional qualification, ie., Bachelor degree in Political Science also will make him better qualified. Since the impugned order has been passed on the wrong presumption that the petitioner falls under the new Rule and does not have the pattern of 10 + 2+ 3 + 2, the impugned order is liable to be set aside.*

10. Accordingly, this writ petition stands allowed and the impugned order of the 3rd respondent in Na.Ka.No.7360/Aa1/2022, dated 17.07.2023 is hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed”

Challenging the same, the respondents 1 to 3 as appellants have preferred the present Writ Appeal.

5.The learned Additional Government Pleader appearing for the appellants submitted that the writ petitioner was initially appointed as B.T Assistant (Mathematics) in the second respondent School on 01.06.2009. Since one post of PG Assistant (Political Science) fell vacant on 30.06.2019, the



W.A(MD)No.894 of 2025

WEB COPY

second respondent School appointed the writ petitioner to the said post on 01.07.2019. He further submitted that the proposal submitted to the District Educational Officer for approval was returned, citing that the writ petitioner completed M.A (Political Science) in 2015 and later completed B.A (Political Science) in 2017. Hence, he possessed a reverse Degree and also overlapping which is not treated as valid.

6.Heard Mr.J.Ashok, learned Additional Government Pleader appearing for the appellants and Mr.S.Xavier Rajini, learned counsel appearing for the first respondent and perused the materials placed before this Court.

7.According to the appellants, M.A (Political Science) and B.A (Political Science) are overlapping Degrees, since the writ petitioner completed M.A (Political Science) in December 2015 and B.A (Political Science) in May 2017. On verification of the records, the contention of the appellants is found to be factually correct. However, the writ petitioner had completed B.Sc (Mathematics) in April 2004, which is a valid UG Degree. Based on that, he was eligible to pursue a Master's Degree. He completed M.A (Political Science)



W.A(MD)No.894 of 2025

WEB COPY in December, 2015. Hence, he is entitled to claim promotion based on these Degrees. However, the writ petitioner shall not claim any benefits based on B.A (Political Science) Degree completed in May 2017.

8. With these observations, this Writ Appeal is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
09.04.2025

NCC : Yes / No
Index : Yes / No
ps



W.A(MD)No.894 of 2025

WEB COPY

To

- 1.The Director of School Education,
College Road,
Chennai – 600 006.
- 2.The Chief Educational Officer,
Nagercoil
Kanyakumari District – 629 001.
- 3.The District Educational Officer (Secondary),
Nagercoil,
Kanyakumari District – 629 001.



WEB COPY



W.A(MD)No.894 of 2025

J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.A(MD)No.894 of 2025

DATED : 09.04.2025

10/10