



W.P.(MD) Nos.6766, 6107 & 3236 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
06.11.2025	19.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.6766, 6107 & 3236 of 2024

and W.M.P.(MD) Nos.6286, 5747 & 3193 of 2024

W.P.(MD).No.6766 of 2024

S.Arul Selvi

... Petitioner

-VS-

- 1.The Government of Tamil Nadu,
Represented by its Additional Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Parent Teachers Association Building,
Madurai Road, Tiruchirappalli – 620 008.



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4.District Educational Officer,
The Office of the District Educational Officer,
Manapparai, Tiruchirappalli District.

5.The Correspondent,
St.James Higher Secondary School,
Palakuruchi, Trichy District – 621 308.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of a Writ, Calling for the records, pertaining to the impugned proceedings, dated 14.02.2024 in Na.Ka.No.9110/AA4/2023, on the file of the third respondent and consequential impugned proceedings dated 21.02.2024, in Na.Ka.No.5132/A3/2020, on the file of the fourth respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Mrs.S.Arul Selvi, working as B.T.Assistant (History), Palakuruchi, Trichy District, w.e.f., 03.06.2019, and release salary with all monetary and service benefits and pass such further or other suitable order.

W.P.(MD).No.6107 of 2024

D.Roseline Vasanthi

... Petitioner



W.P.(MD) Nos.6766, 6107 & 3236 of 2024

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-VS-

- 1.The Government of Tamil Nadu,
Represented by its Additional Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
 - 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
 - 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Madurai District.
 - 4.The District Educational Officer (Secondary Education),
The Office of the District Educational Officer, Melur,
Madurai.
 - 5.The Correspondent,
St.Antony's Girls Higher Secondary School,
Koodal Nagar, Madurai District – 621 308.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of a Writ, Calling for the records, pertaining to the impugned proceedings, dated 08.02.2021 in O.Mu.No.700/AA4/2021, on the file of the third respondent and consequential order, dated 31.07.2023, in O.Mu.No.



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731/A2/2023, no the file of the fourth respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Mrs.D.Roseline Vasanthi, working as B.T.Assistant (Maths) in the fifth respondent, St.Antony's Girls Higher Secondary School, Kudal Nagar, Madurai District, w.e.f., 06.06.2018, and release salary with all monetary and service benefits and pass such further or other suitable order.

W.P.(MD).No.3236 of 2024

V.Arikia Beula Rani

... Petitioner

-VS-

- 1.The Government of Tamil Nadu,
Represented by its Additional Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Parent Teachers Association Building,
Madurai Road, Tiruchirappalli – 620 008.
- 4.District Educational Officer,
The Office of the District Educational Officer,
Lalgudi – 621 601, Tiruchirappalli District.



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5.The Correspondent,
St.Joseph's Girls Higher Secondary School,
Vadugarpet – 621 651, Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus or any other appropriate Writ or order or direction in the nature of a Writ, Calling for the records, pertaining to the impugned proceedings, dated 05.01.2024 in Na.Ka.No.0504/A2/2023, on the file of the fourth respondent and quash the same, directing the respondents, to accord approval to the appointment of the petitioner, Mrs.V.Arockia Beula Rani, working as B.T.Assistant in the 5th respondent, St.Joseph's Girls' Higher Secondary School, Vadugarpet, Trichy District, w.e.f., 03.11.2022, and release salary with all monetary and service benefits and pass such further or other suitable order.

For Petitioner : Mr.FR.S.Savarimuthu (for all the W.Ps)

For Respondents : Mr.N.Satheesh Kumar (for all the W.Ps)
Additional Government Pleader



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COMMON ORDER

The above Writ Petitions have been filed by the petitioners to quash the respective impugned proceedings on the file of the fourth respondent and release their salaries with all monetary and service benefits and pass such further orders

2. Heard Mr.FR.S.Savarimuthu the learned counsel appearing on behalf of the petitioner and Mr.N.Satheesh Kumar, the learned Additional Government Pleader appearing on behalf of the respondents.

3. Mr.FR.S.Savarimuthu learned counsel for the petitioner would submit that the petitioners were appointed as BT Assistants in the respective subjects in the fifth respondent school who have necessary qualification including the qualification of the Teachers' Eligibility Test (TET), except for the Writ Petitioner in W.P.(MD).No.6766 of 2024. All the proposals have been returned indicating that there are surplus in their District concerned in the respective subjects. He would further submit that the Writ Petitioner in W.P.(MD).No.6107 of 2024 and the Writ Petitioner in W.P.(MD).No.6766 of 2024 have been appointed prior to



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31.03.2021 ie., the date of the judgment in W.A.(MD).No.76 of 2019 and etc., batch and therefore, the proposals in respect of the said Writ Petition, the district surplus ought not to have been taken and only the school surplus should be taken.

4. As regards to the Writ Petitioner in W.P.(MD).No.3236 of 2024, he would submit that even though, the said petitioner had been appointed after the judgment made in W.A.(MD).No.76 of 2019 and etc., batch, he would submit that the appointment was made after a period of one month when the vacancies were notified and in that context, he would submit that the compendium that was issued by the Hon'ble Division Bench in W.A.(MD).No.76 of 2019 and etc., batch had not been followed. Had the respondents followed the compendium issued by the Hon'ble Division Bench, then there should have been an order of deployment of surplus teacher working in another schools to the fifth respondent/school and if such deployment are made, the petitioner would not have been appointed by the fifth respondent schools. Hence, he prays this Court to set aside the orders impugned herein and direct the respondents to grant approval from the date of appointment of the petitioners in their respective posts.



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7. I have considered the submission made by the learned counsels appearing on either side and perused the materials available on record.

8. The two of the Writ Petitioners namely the Writ Petitioners in W.P. (MD).Nos.6766 & 6107 of 2024 had been appointed prior to 31.03.2021. This Court had an occasion to deal with the issue as to whether the judgment made by the Hon'ble Division Bench of this Court in W.A.(MD).No.76 of 2019 and etc., dated 31.03.2021 is prospective or retrospective. This Court had analysed two contradictory views of the Hon'ble Division Bench of this Court as to whether the said judgment is prospective or retrospective and had specifically held that the judgment made in W.A.(MD).No.76 of 2019 and etc., is only prospective.

9. It is further to be noted that the Government had taken a policy decision to grant approval of appointment of teachers without TET qualification, but, however, subject to the Larger Bench's decision of the Hon'ble Apex Court where the requirement of TET is under consideration in respective minority institutions.



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There is no dispute that the fifth respondent institution in the respective Writ Petitions are minority institutions. It is further to be noted that the Hon'ble Division Bench in W.A.(MD).No.76 of 2019 and etc., had also framed a compendium by fixing time limits for declaration of surplus teachers and their deployment by the Government.

10. In W.P.(MD).No.3236 of 2024, it has not been pointed out by the respondents that the compendium had been followed. Had the Official respondents followed the compendium issued by this Court, the fifth respondent Management would not have appointed the petitioner in a vacancy that arose in the school.

11. For the aforesaid reasons:-

a) W.P.(MD).No.6107 of 2024 is allowed and there shall be a direction to the respondent to grant approval of the appointment of the petitioner as BT Assistants (Maths) from the date of their initial appointments namely 06.06.2018



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and disburse all grant-in-aid benefits within a period of four (4) weeks from the date of receipt of a copy of this order.

b) W.P.(MD).No.6766 of 2024 is disposed of on the following terms:-

i) The respondents shall grant in principle approval of the proposal sent by the petitioner for the appointment of the BT Assistant (History) namely Mrs.S.Arul Selvi.

ii) Such approval shall be subject to the orders to be made by the Hon'ble Apex Court.

iii) On grant of approval, the petitioner would be entitled for the sanctioned salary from the date of this order and if the qualification is held into favour of the petitioner by the Hon'ble Apex Court, then the approval should revert back to the date of appointment of the said BT Assistant teacher and the arrears of salary from the date of appointment till the date of this order shall be paid by the respondents, within a period of four (4) weeks of the order passed by the Hon'ble Apex Court.



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c) W.P.(MD).No.3236 of 2024 is allowed and there shall be a direction to the respondent to grant approval of the appointment of the petitioner as BT Assistants (Tamil) from the date of her initial appointment namely 03.11.2022 and disburse all grant-in-aid benefits within a period of four (4) weeks from the date of receipt of a copy of this order.

12. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

19.12.2025

(3/3)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Gba

To:

1.The Government of Tamil Nadu,
Represented by its Additional Principal Secretary,



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Department of School Education,
Fort St. George, Chennai – 600 009.

2.The Director of School Education,
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Chennai – 600 006.

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Parent Teachers Association Building,
Madurai Road, Tiruchirappalli – 620 008.

4.District Educational Officer,
The Office of the District Educational Officer,
Lalgudi – 621 601, Tiruchirappalli District.

5.The Correspondent,
St.Joseph's Girls Higher Secondary School,
Vadugarpet – 621 651, Trichy District.

6.The District Educational Officer (Secondary Education),
The Office of the District Educational Officer, Melur,
Madurai.

7.The Correspondent,
St.Antony's Girls Higher Secondary School,
Koodal Nagar, Madurai District – 621 308.

8.District Educational Officer,
The Office of the District Educational Officer,
Manapparai, Tiruchirappalli District.

9.The Correspondent,
St.James Higher Secondary School,



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Palakuruchi, Trichy District – 621 308.

K.KUMARESH BABU, J.

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PRE-DELIVERY ORDER
IN
W.P.(MD) Nos.6766, 6107 & 3236 of 2024
and W.M.P.(MD) Nos.6286, 5747 & 3193 of 2024

19.12.2025
(3/3)