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W.A.(MD)NO.2130 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.2130 of 2025 AND

C.M.P.(MD)No.12265 of 2025

1. The Director of School Education,
DPI Campus, College Road,
Chennai.
2. The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
3. The District Educational Officer,
Ramanathapuram,
Ramanathapuram District. ... Appellants / Respondents 1 to 3

Vs.

1. J.D.Christopher Asir,
B.T.Assistant (English),
St.Andrews Girls Higher Secondary School,
Ramnad,
Ramanathapuram District. ... 1st Respondent / Writ petitioner
2. St.Andrews Girls Higher Secondary School,
Rep. by its Correspondent,
Ramnad District,
Ramanathapuram. ... 2nd Respondent / 4th Respondent



Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 19.10.2024 made in W.P.(MD)No.22730 of 2024 on the file of this Court.

For Appellants : Mr.C.Venkatesh Kumar,
Special Government Pleader.

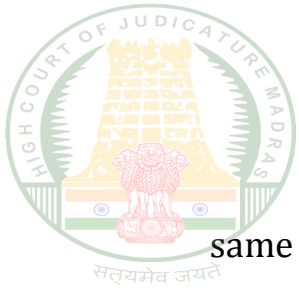
For Respondents : Ms.H.Jasima Yasmin,
for M/s.Ajmal Associates.

* * *

J U D G M E N T

Heard both sides.

2. The writ petitioner was appointed as B.T.Assistant(English) on 03.08.2017 in the St.Andrews Girls Higher Secondary School, Ramanathapuram. When the proposal was submitted seeking approval of the appointment, the Department returned the same on the ground that the appointee is not having TET qualification. The said order was put to challenge in W.P.(MD)No.13935 of 2018 and it was allowed on 29.06.2018. The said order had become final. When the proposal was resubmitted, it was returned on the ground that there were surplus teachers available in the school run by the very



same corporate management. Assailing the same, W.P.(MD)No.10705

of 2020 was filed and it was clubbed along with W.A.(MD)No.76 of 2019 etc. batch. No specific direction was given in the said writ petition filed by the petitioner herein, when W.A.(MD)No.76 of 2019 etc. batch was disposed of.

3. The Department proceeded on the premise that the writ petition filed by the first respondent suffered dismissal and accordingly issued order dated 21.03.2023. Challenging the same, W.P(MD)No.22730 of 2024 was filed. The learned single Judge vide order dated 19.10.2024 allowed the writ petition in the following terms:-

“10. This is the third round of litigation at the instance of the teacher, who was appointed on 04.08.2017 as B.T.Assistant (English) in the fourth respondent aided minority institution.

11. In the first round of litigation, this Court was pleased to direct the authorities to consider the proposal of the school management without insisting upon TET certificate. In the second round of litigation, challenging the order, dated 30.06.2019, the Hon'ble Division Bench of



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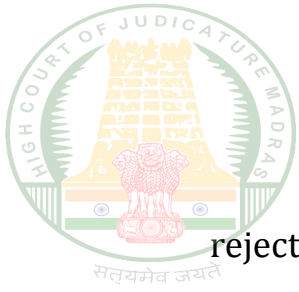
this Court pleased to pass series of direction to consider how the surplus has to be dealt with.

12. A perusal of the order, dated 30.06.2019 will clearly indicate that it is a result of non-application of mind. A Mathematics teacher or a Science teacher would not be in a position to handle the English subject. Therefore, such reason assigned is not sustainable in law.

13. In view of the above said facts, the order impugned in the writ petition is set aside and the respondents 2 and 3 are directed to approve the appointment of the petitioner with effect from 04.08.2017 with all attendant benefits and pass orders within a period of 12 weeks from the date of receipt of a copy of this order. ”

4. Aggrieved by the same, the department has filed this writ appeal.

5. It is fairly conceded by the learned Special Government Pleader that during the relevant time, there was no surplus teacher in the subject of English, but there were surplus teachers in the subjects of Maths and Science. Therefore, the ground projected in the



rejection order cannot be sustained. The learned single Judge rightly set aside the impugned order and granted relief to the writ petitioner.

Interference with the said order is not warranted. This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
6th August 2025

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

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