



WP(MD). No.10113 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**Orders Reserved on : 27.10.2025
Orders Pronounced on : 28.11.2025**

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

**WP(MD). No.10113 of 2025
and
W.M.P(MD).Nos.7526, 7528 and 7530 of 2025**

S.Mohamed Haris,

... Petitioner

Vs

1. The Secretary to Government,
School Education Department,
St.George Fort,
Chennai - 600 009..
2. The Director of School Education,
School Education Department,
College Road,
Nungambakkam,
Chennai - 600 006..
3. The Chairman,
Teachers Recruitment Board,
College Road,
Nungambakkam,
Chennai - 600 006..



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4. The Controller of Examination,
Teachers Recruitment Board,
College Road,
Nungambakkam,
Chennai - 600 006..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 4th respondent vide impugned proceedings Nil dated 04.04.2025 (published in the official website of the TRB on 05.04.2025) and quash the same as illegal in so far it relates to allocate the department of DSE-DMS is concerned and consequently direct the respondents to revise the provisional selection list having regard to the marks of the candidate and consequently allocate the petitioner in the department of Differently Abled Department under GT(HI) communal turn in the available vacancy under Serial No.553 of the revised provisional section list published by the third respondent vide his proceedings dated 04.04.2025.

For Petitioner : Mr.Mohammed Imran

For R1 and R2 : Mr.N.Satheesh Kumar

Additional Government Pleader

For R3 and R4 : Mr.Amjad Khan

Government Government

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order issued by the fourth respondent vide impugned



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proceedings Nil dated 04.04.2025 (published in the official website of the TRB on 05.04.2025) and quash the same as illegal in so far it relates to allocate the department of DSE-DMS is concerned and consequently direct the respondents to revise the provisional selection list having regard to the marks of the candidate and consequently allocate the petitioner in the department of Differently Abled Department under GT(HI) communal turn in the available vacancy under Serial No.553 of the revised provisional selection list published by the third respondent vide his proceedings dated 04.04.2025.

2. The petitioner is having necessary qualification except to the qualification of TET. The Teachers Recruitment Board had issued a notification for Teacher Eligibility Test vide notification No.1 of 2022, dated 07.03.2022 and the petitioner applied for the TET examination, which was held on 14.02.2023 and the petitioner had been declared to have been cleared the TET examination. Thereafter, the third respondent/TRB issued a notification No.3 of 2023 dated 25.10.2023 for direct recruitment of Graduate Teachers/Block Resource Teacher Educators (BRTE)-2023 and the petitioner applied for the post of B.T.



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Assistant (History/BRTE) and he become successful. The petitioner appeared for certificate verification and the result was published on 25.07.2024, wherein the petitioner was declared as not acquiring minimum educational qualification as per para 3(b) of TNTET notification. Aggrieved by the same, the petitioner had approached this Court in W.P(MD).No.18389 of 2024 and the same was allowed on 02.08.2024. Thereafter, an intra Court appeal has been filed by the respondents, which was also dismissed by the Honourable Division Bench of this Court. Thereafter, the petitioner has filed Cont.P(MD).No. 460 of 2024, pending contempt petition, the third respondent published the impugned proceedings revising the provisional selection list in respect of the History subject and in the said list, the petitioner's name was included as Serial No.314 and the third respondent allocated the department of School Education District Model School to the petitioner on his own volition.

3. The learned counsel for the petitioner would submit that the petitioner was selected under the category of BC Muslim and he has scored 84.5 marks in total and the candidates in the serial Nos.356 to



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359, who are selected under the general turn, they have scored only 83 marks and hence selecting the petitioner under BC Muslim category regardless of his mark is per-se illegal. He would further submit that the petitioner had been qualified with a special B.Ed for hearing impairment and he applied for the said category, having a vacancy at a school for differently abled person, the petitioner is not having been given that option is wholly improper. In spite of the repeated representation, there was no response from the respondents. Hence, he seeks to quash the proceedings in so far it relates to allocate the department of DSE-DMS is concerned and directs the respondents to revise the provisional selection list having regard to the marks of the candidate and consequently allocate the petitioner in the department of Differently Abled Department Under GT(HI) communal turn in the available vacancy under Serial No.553 of the revised provisional selection list published by the third respondent.

4. Countering his arguments, Mr.Amjad Khan, learned Government Advocate appearing for the respondents 3 and 4 would submit that there are 12 vacancies notified in the Directorate for Welfare of the Differently Abled Department out of which 6 were earmarked for



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Deaf Category and two vacancies only filled and all other vacancies are remain unfilled. The petitioner belongs to the BC Muslim Category and had scored 84.50 marks in total, after adding TET weightage marks in the history subject, based on the marks secured by him, he was selected under DSE-DMS Department. He would further submit that the petitioner had participated in the counselling held in the Directorate of School Education on 03.09.2025 and had been issued with an appointment order as BT Assistant (History) for Government Model School, Ramanathapuram. He would further submit that the Board being a recruiting agency, it would conduct the examination, publish the selection list with the department based on the marks and communal turn. Since the petitioner herein secured more marks, he is allocated with the DSE-DMS Department. However, transfer from one department to another department does not fall within the purview of TRB and it has no vested power to act upon the same. Hence, he categorically submits that it is not feasible for the Board to accept the claim of the petitioner to change him to Differently Abled Department as the selection has been made on marks obtained by him and such claim is entertained it would become a precedent for other candidates.



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5. Mr. N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents one and two would submit that the recruiting agency, namely, the third respondent herein had given a selection list and only based upon the said selection list, the appointments are being made by the respective departments. If any change in the selection list made by the user department instead of the recruiting agency, it would only create a situation that calls into question the transparency of the department. Hence, he would submit that the respondents have only acted as per the Selection list forwarded by the third respondent and they cannot be found fault with.

6. I have considered the rival submissions made by the learned counsels appearing on either side.

7. A perusal of the revised provisional selection list would indicate that the petitioner had been placed in S.No.15 and he had scored of 84.50 marks in total and had been appointed in the BC Muslim category and allotted to the DSE-DMS Department. It is also further to be noted that his B.Ed speciality had been noted as HI (Hearing impairment). As



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pointed out by the learned counsel for the petitioner the persons in Serial Nos.356 to 359 belonging to BC and scored 83 marks have been given the communal roster GT and they have not been selected under the horizontal reservation but under the normal general turn. The petitioner, who had scored 84.5 marks, the petitioner should have been placed under the general turn, unfortunately he had not been placed under the communal reservation. The petitioner having qualified with a B.Ed in a speciality and admitted there is a vacancy in History for hearing impairment, which has not been filled up.

8. This Court is of the view that the petitioner who would have to be necessarily placed under the general turn, as the persons who had scored marks less than him have been placed under the general turn as indicated supra, he would have been appointed in the vacancy of general turn post for hearing impairment students having different ability and having the Protection of the Persons Disabilities Act 2016 would have to be given priority. This Court is also takes judicial notice of the fact that out of the 12 vacancies for differently abled persons, only two vacancies have been filled based upon the communal roster and 10 vacancies have not been filled by the following rules of reservation. This Court is unable



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to comprehend the manner in which the rules of reservation are being followed when there are available candidates for filling up the said post.

From the manner in which the posts have been handled, it is evident that this case is an example in a hand the petitioner who had a B.Ed with a speciality for teaching hearing impairment has not been appointed to a vacancy for hearing impairment by placing him in a communal roster and allotting him to a school, which do not required such speciality, the manner in which this has been done would only undermine the efforts of a person who is qualified to teach differently abled students.

9. This Court cannot lose site of the mandate of making appointments by following the rules of reservation, but at the same time, this Court cannot also close its eyes to the protection given by a central enactment to protect the rights of the differently abled persons. A horizontal reservation based upon the rules of reservation in the vertical reservation that has been mandated. It is time that the Courts would have to step-in in the interest of the differently abled students to call upon the Government to draw a policy to conduct independent examinations for recruitment of teachers to the special schools run by it, if such a



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procedure has been followed, the present scenario would not have occurred.

10. This Court has verified the provisional list that has been placed in the typed set of papers and it found that following serial numbers, namely, 315, 441, 462, 464, 473 and 476 had secured their B.Ed degree for teaching differently abled persons, out of which only two alone had been appointed in a special school and all other candidates including the petitioner have been placed in regular school. Such specially qualified teachers with B.Ed degree are being wasted by appointing them in a regular school. It is to be noted that for the 12 vacancies only 6 had been found in the provisional selected list.

11. In the present case, the petitioner belongs to the BC-Muslim category and he had scored 84.50 marks and the persons, who had scored 83 marks had been placed under the general turn and allotted in the different schools and if the petitioner had been rightly placed under the general turn, above the three individuals noted above he could not be allotted to the vacancy in history for a special school to teach the students as there is a vacancy on the history subject.

12. For the above said reasons, this Court is constrained to



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interfere with the selection of the petitioner and his posting and allotment to the department of DSE-DMS and direct the respondents to transfer his allotment to the department of differently abled department and appoint him as a teacher in history subject in the vacancy that has been notified for GI-HI. Such exercise shall be carried out by the respondents within a period of four weeks from the date of receipt of a copy of this order.

13. Before parting with the case for the reasons recorded above, this Court requests the first respondent to look into the concerns that has been raised by this Court and take an appropriate policy decision in appointment of teachers to the special schools.

14. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

28.11.2025

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K.KUMARESH BABU,J

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**ORDER
IN
WP(MD) No.10113 of 2025**

Date : /11/2025