



W.P.(MD)No.12669 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12669 of 2021

and

W.M.P.(MD)Nos.9873 of 2021 & 25316 of 2024

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: Petitioner

Vs.

1.The Director of Elementary School Education,
D.P.I. Compound,
College Road, Chennai.

2.The Chief Educational Officer,
Tenkasi District,
Tenkasi.

3.The District Educational Officer,
Sankarankovil Educational District,
Sankarankovil, Tirunelveli.

4.The Block Educational Officer,
Alangulam Range,
Tenkasi District.



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5.The Correspondent,

T.D.T.A. Middle School,

Karuvantha,

Tenkasi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the third respondent in his records pertaining to the order passed by the third respondent in his proceedings A.Thi.Mu.No.1821/21/2021 dated 06.07.2021 and quash the same and direct the respondents to approve the appointment of the petitioner from the date of appointment [ie., from 05.10.2017] and confer all the consequential service & monetary benefits to the petitioner.

For Petitioner : Ms.P.Rajalakshmi

For Respondents 1 to 4 : Mr.S.Shaji Bino,

Special Government Pleader

For Respondent No.5 : No appearance

ORDER

This Writ Petition has been filed challenging the impugned order dated 06.07.2021 passed by the third respondent rejecting the



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proposal submitted by the fifth respondent school seeking approval for the appointment of the petitioner as B.T. Assistant [History] from 05.10.2017 in the fifth respondent school on the ground that there are surplus teachers in the corporate management of the fifth respondent school.

2.The petitioner contends that the impugned order has been passed arbitrarily and by total non-application of mind. According to her, there are no surplus teachers in the fifth respondent school or in the corporate management of the fifth respondent school pertaining to the subject History.

3.A counter affidavit has been filed by the respondents before this Court reiterating the contents of the impugned order. However, as seen from the impugned order, the contentions of the petitioner as raised in this Writ Petition have not been considered by the third respondent before coming to the conclusion that the fifth respondent and its corporate management is having surplus teachers. A categorical assertion has been made by the petitioner that there are no surplus teachers in the fifth respondent school and its corporate management. Learned Counsel for the petitioner would also submit on instructions that if the fifth respondent school is



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directed to re-submit the proposal seeking approval for the appointment of the petitioner as B.T. Assistant [History], the fifth respondent school will be able to establish that there are no surplus teachers in the fifth respondent school and its corporate management.

4.The subject concerned for which the petitioner has been appointed as B.T. Assistant is History. The petitioner categorically contends that insofar as History subject is concerned there are no surplus teachers in the fifth respondent school or its corporate management. In the interest of justice and in order to enable the petitioner to convince the third respondent that there are no surplus teachers in the subject History in the fifth respondent school as well as its corporate management, this Court deems it fit to quash the impugned order and remand the matter for fresh consideration, since under the impugned order the contentions of the petitioner as raised in this Writ Petition have not been considered.

5.For the foregoing reasons, the impugned order dated 06.07.2021 passed by the third respondent is hereby quashed and this Writ Petition is disposed of, by directing the fifth respondent school to re-submit the proposal with the third respondent seeking



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approval for the appointment of the petitioner as B.T. Assistant [History] in the fifth respondent school. The fifth respondent school shall re-submit the proposal within a period of two [2] weeks from the date of receipt of a copy of this order. The petitioner is also permitted to submit an explanation to the third and fourth respondents as to why there are no surplus teachers in the subject History in the fifth respondent school and corporate management within two [2] weeks. On receipt of the said proposal, the third respondent shall forward the same to the fourth respondent and the fourth respondent shall pass final orders on merits and in accordance with law, within a period of twelve [12] weeks, thereafter.

6.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.11.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

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ABDUL QUDDHOSE., J.

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