



W.P.(MD)No.13703 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.13703 of 2025

and

WMP(MD).Nos.9872 & 9874 of 2025

The Correspondent,
St. Joseph's College Higher Secondary School,
Kovilpatti-628 501 ,
Tuticorin District.

...Petitioner

Vs

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

2. The Joint Director of School Education,
(Secondary Education), College Road,
Chennai-600 006.

3. The Chief Educational Officer,
Thoothukudi District.

4. The District Educational Officer,
Kovilpatti, Thoothukudi District.

... 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 proceedings issued by the 3rd respondent CEO in Na.Ka.No.2681/A3/2024 dated 23.12.2024



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quash the same and further direct the 3rd respondent approve forthwith the appointment of S.Pradheepa as BT Assistant (Maths) in the petitioners school w.e.f 01.04.2019 and disburse the grant-in-aid towards her salary and other attendant benefits by converting the post of BT Assistant (Science).

For Petitioner : Mr.K.Ragatheesh Kumar
for
M/s.Isaac Chambers

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings issued by the 3rd respondent/CEO in Na.Ka.No.2681/A3/2024 dated 23.12.2024 and seeking direction to the respondents to approve forthwith the appointment of S.Pradheepa as BT Assistant (Maths) in the petitioners school w.e.f 01.04.2019 and disburse the grant-in-aid towards her salary and other attendant benefits by converting the post of BT Assistant (Science).



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2. The learned Counsel appearing for the petitioner would submit that the petitioner is a recognized religious minority institution. He would further submit that a vacancy had arisen in a sanctioned post of BT Assistant (Science) due to the retirement of the then incumbent. In that vacancy, one t.Thusnevis Savariammal was promoted as BT Assistant (Science) w.e.f 01.06.2015 by upgrading the secondary Grade Teacher and the management sent a proposal for the approval of the appointment of the said teacher. The 3rd respondent refused to approve the appointment of the T.Thusnevis Saveriammal from the date of her appointment and instead approval was granted from the date of upgradation of Secondary Grade Teacher. Aggrieved by the said order, the school management filed a writ petition in W.P.(MD).No.1078/2018 and the same was allowed by order dated 20.02.2018. Against which, the respondents filed a writ appal in WA(MD).No.200 of 2020 and the same was dismissed on 06.08.2020. During the pendency of the writ appeal the said T.Thusnevis Savariammal attained the age of superannuation and retired from service on 31.03.2019. While assessing the need of the school, it has found that there is no sufficient teacher to handle mathematics subject, since there is only one BT Assistant (Maths) sanctioned to the school, wherein, one Mr.Irudayaraja is serving. The



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petitioner school has appointed fully eligible candidate namely S.Pradheepa as BT Assistant (Maths) w.e.f 01.04.2019. After her appointment, the school management sent a proposal to the 3rd and 4th respondents to approve the appointment of S.Pradheepa as BT Assistant (maths) by converting the existing post of BT Assistant (Science) into BT Assistant (Maths). The respondents refused the proposal submitted by the petitioner school by stating the reason that the said appointment is not acceptable to appoint BT Assistant (Maths) in the post of BT Assistant (Science) and further there are 72 surplus teachers including 14 BT Assistant (Maths) in the other schools in Tuticorin District and directed to produce the teacher eligibility test certificate of the appointed teacher.

3. I have carefully considered the submissions made by the learned Counsels appearing on either side and perused the material available on record.

4. This court had already dealt with the similar issue in W.P. (MD).No.25712 of 2024 dated 14.10.2025. The only distinction in the present case is that the person who had been appointed as BT Assistant



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(Science) did not possess the qualification of TET. In respect of the teachers who do not possess the TET and who are appointed before 13.01.2023 had been appointed as a teacher prior to the cut off date. In the said aspects, this Court had already dealt with in W.P.(MD).No.4209 of 2025 dated 11.09.2025 and W.P.(MD).No.25712 of 2024 dated 14.10.2025. This Court is of the view that the said order would also be applicable to the present facts of the case. It is further to be noted that there is no dispute that there is no surplus in the school or any other school, within the corporate management of which the petitioner's school belongs.

5. In such view of the matter, the writ petition stands disposed of with the following directions:

“a) The respondents shall grant in principle approval of the proposal sent by the petitioner for the appointment of the BT Assistant (Science) namely S.Pradheepa

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



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c) 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.”

6. With the above directions, the writ petition stands disposed of, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

14.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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To:

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College Road, Chennai-600 006.
2. The Joint Director of School Education,
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K.KUMARESH BABU, J.

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