



W.A.(MD)No.2882 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2025

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.2882 of 2025 &
C.M.P.(MD)No.16082 of 2025

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 009.

3.The Chief Educational Officer,
Madurai, Madurai District.

4.The District Educational Officer,
(Secondary Education),
Melur - 625 106,
Madurai District.

...Appellants

/Vs./

The Correspondent,
Sourashtra Boys Higher Secondary School,
110, Kamarajar Salai,
Madurai 625 009,
Madurai District.

... Respondent



W.A.(MD)No.2882 of 2025

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent to set aside the common order dated 12.03.2024 in W.P.(MD)No.693 of 2024 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader

For Respondents : Ms.A.Amala

JUDGMENT

(Judgment of the Court was delivered by **Dr.ANITA SUMANTH, J.**)

Heard Mr.J.Ashok, learned Additional Government Pleader for the appellants and Ms.A.Amala, learned counsel for the respondent.

2. Pending this writ appeal, the relief as sought for has been granted, subject to the final orders to be passed in the writ appeal.

3. The issue in question relates to upgradation of post in linguistic minority schools. We have earlier had an occasion to consider this issue in W.A.(MD)No.2592 of 2025, and by order dated 10.09.2025, we have stated as follows,

3.The Writ Petition came to be allowed. The learned Judge applied the ratio laid down by the Division Benches in the case of The Chief Educational Officer,



WEB COPY



W.A.(MD)No.2882 of 2025

Tirunelveli and another Vs. S.Josephin Vijaya and another¹ and in the case of the Government of Tamil Nadu, represented by the Secretary to Government, Department of School Education Vs. J.Remila and others². In those cases, this Court had applied the directives under G.O.Ms.No.79, School Education Department, dated 14.06.2002.

4.The above Government Order, as noted by the learned Single Judge, provided for an automatic upgradation of RI's appointment from B.T Assistant (English) to Middle School Graduate Teacher as and when vacancies arose and in light of the aforesaid G.O., a direction was issued to the State to approve her appointment. Consequently, impugned order dated 29.07.2024 was set aside and all consequential benefits were granted.

5.....

6.....

7.The first issue, relating to upgradation has been decided by the Division Benches in the two decisions relied upon by the writ Court in favour of the teachers and the ratio laid down in those decisions has attained finality.

8.Hence, the position that upgradation of post from B.T Assistant to Graduate level, (Middle Grade Graduate teacher posts) as and when vacancies arise, as per G.O.Ms.No.79, School Education Department, dated 14.06.2002, is automatic, cannot be questioned now. Our attention has been specifically drawn to Clause (iv) of para 2 of the aforesaid G.O., which mentions that sanction is to be obtained from the State prior to upgradation.

9.However, the interpretation of that G.O by this Court has been to the effect that no such separate sanction is required once the vacancy arises and this interpretation

¹ W.A(MD)No.1497 of 2017, dated 14.12.2017

² 2018 (1) WLR 410



W.A.(MD)No.2882 of 2025

has been accepted by the State as well. It is therefore too late in the day for the State to attempt this argument now. This issue stands decided in favour of R1 and adverse to the State.

4. In light of the identity of the issue and the discussion in the above matter, this writ appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**[A.S.M.J.,] & [C.K.J.,]
14.11.2025**

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

mbi



WEB COPY



W.A.(MD)No.2882 of 2025

Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

mbi

Order made in
W.A.(MD)No.2882 of 2025

Dated:
14.11.2025