



W.P.(MD)No.17248 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.17248 of 2025

and

W.M.P(MD)No.13136 of 2025

S.Bashir Ahamed,
Physical Education Teacher,
Khajamian Higher Secondary School,
Khaja Nagar, Trichy-620 020,
Trichy District.

...Petitioner

Vs

1. The State of Tamilnadu
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600 009.

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

3. The Chief Educational Officer
Thiruchirapalli District,
Trichy 620 008.

4. The District Educational Officer (Secondary)
Tiruchirapalli District
Trichy 620 001.

5. The Correspondent Cum Secretary
Khajamian Higher Secondary School,
Khaja Nagar, Trichy district. 620 020.

... Respondents



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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, vide his proceedings in Na.Ka.No. 00995/Aa2/2024 dated 25.04.2025, quash the same and further direct the respondents herein to approve forthwith the appointment of S. Bashir Ahamed as Physical Education Teacher in the 5th respondent school w.e.f. the date of his appointment viz., 01.10.2016, with all attendant benefits including the arrears of salary and allowance.

For Petitioner : M/s.A.Mohamed Ashfalk
For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R5 : Mr.S.Ramanathan

ORDER

This writ petition has been filed challenging the proceedings issued by the 3rd respondent/Chief Educational officer in Na.Ka.No. 00995/Aa2/2024 dated 25.04.2025 and further seeking consequential direction to the respondents herein to approve forthwith the appointment of Mr.S.Bashir Ahamed as Physical Education Teacher in the 5th respondent school w.e.f the date of his appointment viz., 01.10.2016 with all benefits including the arrears of salary and allowance.



W.P.(MD)No.17248 of 2025

2. The instant case is that the petitioner herein was appointed as

Physical Education Teacher against the sanctioned vacancy that arose due to the promotion of the then incumbent namely Mr.Zahir Hussain as Physical Director-Grade-II. The 5th respondent school sent a proposal to the authorities seeking to approve the petitioner's appointment. The said proposal was returned and stating the reason for rejecting the approval of the petitioner is that the said incumbent had been granted with approval only from 01.04.2021 and therefore, the order of appointment of the petitioner could not be approved.

3. This Court had already dealt with the issue with regard to the incumbent who was promoted in which place the petitioner was appointed. In WP.(MD).No.17247 of 2025 dated 14.10.2025 and had held that the said incumbent was entitled to be granted promotion from the date of his actual promotion. For the reasons stated therein, this Court is of the view that the vacancy in the sanctioned post of Physical Education Director Grade-II fell vacant on 01.10.2016 on which date the petitioner has been appointed and therefore, the order impugned in the writ petition is liable to be interfered with.



W.P.(MD)No.17248 of 2025

4. In fine, the writ petition stands allowed, the order impugned in the present writ petition is set aside. The respondents are directed to approve the appointment of the petitioner herein on the date of his original appointment i.e., on 01.10.2016 along with all attendant benefits and pass appropriate orders in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

14.10.2025

2/2

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.17248 of 2025

To:
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W.P.(MD)No.17248 of 2025

K.KUMARESH BABU, J.

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W.P.(MD).No.17248 of 2025

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2/2