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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18691 of 2025

I.Beulah ... Petitioner

Vs.

1.The District Educational Officer (Elementary),
Tenkasi,
Tenkasi District.

2.The Block Educational Officer,
Melaneelithanallur,
Tenkasi District.

3.The Correspondent,
TDTA Primary School,
Periasamiyapuram,
Tenkasi District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner as Secondary Grade Teacher in the third respondent School with effect from 05.10.2017 with salary and all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For R1 and R2 : Mr.M.Siddharthan
Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking a direction to the respondents to approve the appointment of the petitioner as a 'Secondary Grade Teacher' in the third respondent School, with effect from 05.10.2017, along with salary and all consequential benefits.

2. According to the petitioner, she was appointed as a 'Secondary Grade Teacher' on 05.10.2017 in the third respondent school. The third respondent forwarded a proposal for approval of her appointment to the first respondent through the second respondent, enclosing all the relevant documents. Though the proposal was initially returned for want of additional particulars, it was later resubmitted after addressing the queries. The school has been sanctioned three teaching posts and the petitioner was appointed within the sanctioned strength. Hence, there is no impediment in approving her appointment. A fresh proposal was again submitted on 18.05.2024.

3. Further, the petitioner has been serving continuously for the past 8 years without salary. Despite repeated representations, the respondents

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have stated that approval is pending due to the deployment process of surplus teachers. However, the Chief Educational Officer, Tirunelveli, issued proceedings on 26.06.2019 stating that the deployment process had been completed by transferring surplus teachers to need-based posts. Further, for the academic years 2022–2023 and 2023–2024, the deployment process was completed on 11.04.2023 and 05.02.2024 respectively. Therefore, after completion of the deployment process, there is no justification for denying approval. The Hon'ble Division Bench of this Court, by judgment dated 31.03.2021, in W.A.(MD)No.76 of 2019 etc. batch, held that appointments made before 31.03.2021 in sanctioned vacancies with qualified candidates must be approved. In line with that decision, W.A.No.253 of 2025 was allowed on 29.01.2025, directing approval of a similarly situated teacher's appointment. Regarding the requirement of Teachers Eligibility Test (TET), the Hon'ble Division Bench of this Court in W.A.No.1865 of 2025, dated 24.06.2025, held that G.O.Ms.No.181, which mandates TET, is not applicable to minority institutions. Based on the above facts and legal precedents, the petitioner submits that she is entitled to approval of her appointment and has approached this Court, seeking appropriate relief.

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4. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that, considering the aforesaid facts and circumstances of the case, it would suffice if this Court directs the first respondent to consider the proposal submitted by the third respondent school, in the light of the judgments passed by this Court in **W.A.No.253 of 2025**, dated **29.01.2025** [The Correspondent, Danish Mission Primary School, Mampzhapattu, Villupuram District vs. The Director of Elementary Education and others], and **W.A.No.1865 of 2025**, dated **24.06.2025** [The Director of Elementary Education and others vs. Madrasa-E-Azam Government Aided Primary School, Fort Vaniyambadi, Thirupattur District] and to pass appropriate orders within a time frame to be fixed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the proposal submitted by the third respondent School, in the light of the aforesaid judgments relied upon by the learned counsel for the petitioner, on its own merits and in accordance with law and to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

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6. With the above directions, this Writ Petition stands disposed of. There shall be no orders as to costs.

14.07.2025

NCC : Yes / No
Index : Yes / No
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To

1.The District Educational Officer (Elementary),
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Tenkasi District.

2.The Block Educational Officer,
Melaneelithanallur,
Tenkasi District.

3.The Correspondent,
TDTA Primary School,
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VIVEK KUMAR SINGH, J.

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