



WP(MD). No.19433 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.11.2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD)No.19433 of 2025

and

WMP(MD)No's. 14973 and 14977 of 2025

M.Ahamed Harris,

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary,
School Education Department,
Secretariat,
St. George Fort,
Chennai – 600009.
2. The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai.
3. The Chief Educational Officer
O/o. The Chief Educational Office,
Thanjavur,
Thanjavur District.
4. The District Educational Officer,
O/o. The District Educational Office,
Thanjavur,
Thanjavur District.



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5. The Secretary

Khadir Mohideen Boys Higher Secondary School,
Adirampattinam - 614701,
Thanjavur District.

6. The Superintendent of Wakf Board,

O/o. the Superintendent of Wakf Board,
Eidgah Maskin, Mohamed Ali Khutba,
Railway Colony,
Tanjore District – 613007.

... 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 order passed by the 3rd Respondent vide his proceedings in O.Mu.No. 3106/A3/2024 dated 16.06.2025 and quash the same as illegal and consequently direct the 3rd Respondent to approve the appointment of the petitioner as B.T.Assistant (Social Science) with effect from 06.01.2020 with all other service and monetary benefits and disburse the same, within the stipulated period fixed by this Court.

For Petitioner	: Mr.M.Mohammed Zamil
For R1 to R4	: Mr.M.Siddharthan Additional Government Pleader
For R6	: Mr.S.A.Ajmal Khan Standing Counsel



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ORDER

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This writ petition has been filed challenging the proceedings issued by third respondent in his proceedings in O.Mu.No. 3106/A3/2024 dated 16.06.2025 and seeking consequential direction to the third respondent to approve the appointment of the petitioner as B.T. Assistant (Social Science) with effect from 06.01.2020 with salary and all other consequential benefits.

2. The learned Counsel appearing for the petitioner would submit that the 5th respondent school is an Aided Minority Institution. He would further submit that a vacancy had arisen in the cadre of B.T Assistant (Social Science) on account of the retirement of the existing incumbent on 31.05.2019. In such vacancy that had arisen, which had led to the appointment of the petitioner as BT Assistant (Social Science) with effect from 06.01.2020. He further submits that the petitioner appointment was made in the sanctioned vacancy and it is also well within the staff fixation order for the academic year 2019-2020. The 5th respondent school is a an aided minority institution and having every right of administration including appointment as per Article 30(1) of the



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Constitution of India. The fifth respondent school management has sent a proposal to the authorities to approve the appointment of the petitioner w.e.f. 06.01.2018 and the same was returned vide proceedings dated 25.09.2020 stating that as per the order made in W.P.No.31575 of 2019 dated 08.07.2019 and as per G.O.Ms.No.165 issued in pursuant to the interim order made in W.A.No.76 of 2019, the petitioner's proposal cannot be considered. The Honourable Division Bench in the order dated 31.03.2021 in the case of *Secretary to Government, School Education, Department Vs. iruthaya Amali* had categorically held that the G.O.Ms.No.165, school Education Department is inoperative. In view of the same, the petitioner's appointment is entitled to be considered regardless of G.O.Ms.No.165. Therefore, the School management sent another proposal seeking for approval of the appointment and the same was forwarded to the third respondent and the third respondent vide his impugned proceedings in O.Mu.No.3106/A3/2024 dated 16.06.2025 had returned the proposal stating that the register for sanctioning of the post was not enclosed and as per the Government Order, TET is required for the Minority Institution.



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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 Secondary Grade Teacher did not possess the qualification of TET. In respect of the teachers who do not possess the qualification of TET and who are appointed on or before 13.01.2023, a policy decision has been taken by the Government to approve such appointments, however, subject to the result of the larger bench decision pending before the Hon'ble Apex Court. It is to be further noted that there is no surplus in the school or any other school within the corporate management of which the 5th respondent school belongs.

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



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“a) The respondent Nos.1 & 2 shall grant in principle approval of the proposal sent by the 3rd respondent for the appointment of the petitioner as BT Assistant (Social Science).

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

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 allowed, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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TO:

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3. The Chief Educational Officer
O/o. The Chief Educational Office,
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K.KUMARESH BABU, J

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