



W.P.(MD).No.20089 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.20089 of 2025

and

WMP(MD).No.15454 of 2025

Anitha

...Petitioner

Vs

1.The Chief Education Officer,
Office of the Chief Education Office,
Tenkasi,
Tenkasi District.

2. The District Education Officer (Primary Education),
Office of the District Education (Primary Education),
Tenkasi,
Tenkasi District.

3. The Block Education Officer,
Office of the Block Education Office,
Kuruvikulam Panchayat Union,
Tenkasi District.

4. The Correspondent,
T.D.T.A. Primary and Middle School,
St. Miachael's Parsonage,
North Achampatti,
Devarkulam (via),
Tenkasi District.

... 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 passed by the 2nd respondent in Na.Ka.No.715/Aa4/2025 dated 29.04.2025 and quash the same as illegal and directing the respondents to approve the Petitioners appointment as Secondary Grade Teacher considering the proposal dated 12.12.2023 sent by the 4th respondent school without insisting the TET Qualification in the light of the decision of the Honble Supreme Court of India within a stipulated time in accordance with law and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : M/s.M.Prabu

For Respondents : M/s.N.Satheesh Kumar,
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned proceedings passed by the 2nd respondent in Na.Ka.No.715/Aa4/2025 dated 29.04.2025 and seeking consequential direction to the respondents to approve the Petitioners appointment as Secondary Grade Teacher considering the proposal dated 12.12.2023 sent by the 4th respondent school without insisting the TET Qualification in the light of the decision of the Honble Supreme Court of India.



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

3. The approval of the petitioner's appointment had been rejected on the ground that the petitioner had not possessed TET. However, in the counter, further ground of Corporate Management surplus has been raised. The concept of Corporate/Joint management surplus was envisaged by the Hon'ble Division Bench of this Court in W.A.(MD).No. 76 of 2019 by order dated 31.03.2021. By subsequent judgement of another Division Bench in W.A.(MD).No.1557 of 2023 dated 21.09.2023, had held that the the judgment of the Division Bench made in W.A.(MD).No.76 of 2019 to be prospective. The issue arose before this Court in view of the judgement of the subsequent Division Bench holding that the judgement of the Division Bench in WA(MD).No.76 of 2019 was retrospective. This court in W.P.(MD).No.25712 of 2024 dated 14.10.2025 had held that the subsequent Division Bench holding that the Division Bench judgement in WA.(MD).No.76 of 2019 etc., batch cases to be retrospective as bad in law for the reasons indicated therein.



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4. Admittedly, in this case, the petitioner was appointed on 18.04.2018, that is before the judgement rendered by the Division Bench in WA.(MD).No.76 of 2019. Hence the concept of Corporate/Joint Management surplus cannot be applied to the petitioner's case. As regards to the qualification of TET, the Government had taken a policy decision to approve the appointments without the qualification of TET made in the aided minority schools before 13.01.2023, by circular. In view of the same, the said criteria indicated in the order impugned herein would also have to fall. Admittedly, the petitioner also do not possess the qualification of TET.

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

“a) The respondent No.2 shall grant in-principle approval of the proposal sent by the 4th respondent for the appointment of the petitioner as Secondary Grade Teacher.

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 secondary grade 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 is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.11.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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K.KUMARESH BABU, J.

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To:

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Tenkasi,
Tenkasi District.
2. The District Education Officer (Primary Education),
Office of the District Education (Primary Education),
Tenkasi,
Tenkasi District.
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