



WP(MD). No.19991 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 29/10/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.19991 of 2025

and

W.M.P(MD).Nos.15392 and 15393 of 2025

The Correspondent,
CMS Evangelical Middle School,
Melapathai,
Kalakad,
Tirunelveli District.

... Petitioner

Vs.

1. The Director of School Education,
College Road,
Chennai - 600006..

2. The District Educational Officer,
Elementary Education,
Valliyoor,
Tirunelveli District..

3. The Block Educational Officer,
Kalakadu,
Tirunelveli District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus



WP(MD). No.19991 of 2025

calling for the records relating to the impugned order passed by the 2nd respondent District Educational Officer in Na,Ka.No.1006/Aa1/2024 dated 13.10.2024 quash the same and further direct the 2nd respondent DEO to approve forthwith the appointment of S.Jenita as Secondary Grade Teacher in the petitioner school w.e.f., the date of her appointment viz., 21.12.2021 with all attendant benefits including arrears of salary.

For Petitioner : Mr.K.Ragatheesh Kumar
Isaac Chambers

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The writ petition has been filed challenging the order passed refusing the grant of approval for the appointment of Secondary Grade Teacher and to consequently disburse the grant-in-aid towards salary and allowances with effect from the said date with all attendant benefits.

2. The petitioner's request for grant of approval for the teacher appointed as Secondary Grade Teacher on 21.12.2021, had been rejected solely on the ground that all the teachers who had been appointed did not possess the TET qualification and that when the appointment was issued there has been a surplus teacher in the Corporate Management School.



WP(MD). No.19991 of 2025

The appointments were made after 31.03.2021 that is the date of pronouncement of judgment in W.A(MD).No.76 of 2019 etc. Hence, the issue of surplus teacher in the Corporate Management would be apply to the facts of the present case.

3. It has been brought on record that for the very same academic year, pursuant to the orders passed by this Court, the respondent had granted approval to the teachers appointed during the said academic year, where they had categorically indicated that no staff fixation was made for the academic period 2021- 2022. When that to be so, it is not known as to how they had rejected the proposal sent by the petitioner indicating that there has been a declaration of surplus teacher in the Co-operative Management, of which the petitioner's school belongs to, for the academic year 2021 – 2022.

4. Hence, the reasons attributed by the respondents that there has been Corporate Management Surplus during the relevant academic year would have to fall.



WP(MD). No.19991 of 2025

5. The next issue with regard to the Secondary Grade Teachers, who have been appointed do not possess the requisite qualification of TET. It is to be noted that the Government, by its own circular, had decided to approve the appointment of teachers who have been appointed prior to 30.01.2023, even though they did not possess the required qualification of TET. However, the same would be subject to the result of the Larger Bench judgment of the Honourable Apex Court.

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

“a) The respondents shall grant inprinciple approval of the proposal sent by the petitioner for the appointment of the Secondary Grade Teacher S.Jenita.

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 petitioner



WP(MD). No.19991 of 2025

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.”

7. The writ petition stands disposed of with the above directions. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

29.10.2025

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TO

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WP(MD). No.19991 of 2025

K.KUMARESH BABU,J

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**ORDER
IN
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Date : 29/10/2025