



WP(MD). No.22271 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23/10/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.22271 of 2025
and
WMP(MD)No.17384 of 2025

M.Mohammed Shikkandar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.

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

3. The Chief Educational Officer,
Karur, Karur District.

4. The District Educational Officer, (Secondary Education),
Karur, Karur District.

5. The Correspondent,
Pallapatti Higher Secondary School,
Pallapatti 639207,
Karur District.

... Respondents



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PRAYER :-

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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 proceeding issued by the 4th respondent District Educational Officer in O.Mu.No.O.Mu.No. 2966/A5/2024 dt. -.02.2025 quash the same and further direct the 3rd respondent Chief Educational Officer herein to approve forthwith the appointment of petitioner as BT Assistant Tamil in the 5th respondent school namely, Pallapatti Higher Secondary School, Pallapatti w.e.f 01.03.2021 and disburse the grant-in-aid towards his salary and allowances w.e.f the said date with all attendant benefits.

For Petitioner : M/s.A.Amala,
Advocate.

For Respondents : Mr.N.Satheesh Kumar for R1 to R4
Additional Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceeding issued by the 4th respondent District Educational Officer in O.Mu.No.O.Mu.No.2966/A5/2024 dt. -.02.2025 quash the same and further direct the 3rd respondent Chief Educational Officer herein to



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approve forthwith the appointment of petitioner as BT Assistant Tamil in the 5th respondent school namely, Pallapatti Higher Secondary School, Pallapatti w.e.f 01.03.2021 and disburse the grant-in-aid towards his salary and allowances w.e.f the said date with all attendant benefits.

2. Learned counsel for the petitioner would submit that the petitioner who has been fully qualified, has been appointed as a BT Assistant in Tamil in the fifth respondent school in the sanctioned post, on 01.03.2021. The fifth respondent had sent a proposal to the third respondent through the fourth respondent on 21.05.2021 and the same was returned vide proceedings in O.Mu.No.2330/a4/2021 dated --. 07.2021, citing G.O.Ms.No.165 School Education (Thoka.291) Department, dated 17.09.2019. The fifth respondent school met the fourth respondent DEO and explained the position that by virtue of the order of this Court dated 20.09.2019 made in WA(MD)No.76 of 2019, the G.O.165 was declared as inoperative. Even after, the proposal for approval of the petitioner's appointment was not approved, by citing that the Government has issued proceedings, to approve the appointment of PG Assistant and the Headmistress and there is no instruction from the



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Government with regard to the approval of other teachers. He would further submit that the petitioner is possessing all the requisite qualification including passing of TET for the post of BT Assistant Tamil. Therefore, the petitioner is fully qualified for her appointment.

3. A perusal of the order impugned herein would indicate that it had relied upon a Government order which had been set at naught by the Hon'ble Division Bench of this Court in W.A(MD)No.76 of 2019 in a judgment dated 31.03.2021. The further reason assigned of corporate surplus management cannot also be applied to the facts of the present case, as the petitioner had been appointed on 01.03.2021 before the judgment was made in W.A(MD)No.76 of 2019 etc. batch. The further reason that has been attributed by the respondent that there has been no instructions with regard to approval of BT Assistant Teacher, cannot also be put against the petitioner, as the petitioner had been appointed only in a vacancy that has also been approved by the Department and the authorities are bound by the Rules and Regulations and not by the instructions that is to be given either by the Head of the Department or the Government in that regard. For the forgoing reasons, this Court is of



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the view that the reasons assigned in the order impugned herein is wholly arbitrary.

4. In view of the same, the writ petition is allowed and the impugned order is set aside. There shall be a direction to the third respondent to approve the appointment of the petitioner as BT Assistant Tamil in the fifth respondent school with effect from 01.03.2021 and disburse the grant in aid towards salary with all other attendant benefits with effect from the date of his appointment. No costs. Consequently, connected miscellaneous petition stands closed.

23.10.2025

NCC : yes / no
Index : yes / no
Internet : yes / no

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K.KUMARESH BABU, J

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To

1. The Secretary, Department of School Education,
Fort St.George, Chennai 600 009.

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

3. The Chief Educational Officer,
Karur, Karur District.

4. The District Educational Officer, (Secondary Education),
Karur, Karur District.

5. The Correspondent,
Pallapatti Higher Secondary School,
Pallapatti 639207,
Karur District.

ORDER
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