



W.P.(MD).No.21209 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.21209 of 2024

and

WMP(MD).Nos.17962 and 17963 of 2024

L. Pancras Ignatius Mahiban

...Petitioner

Vs

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

2. The Chief Educational Officer,
Kanyakumari District,
Nagercoil - 629001.

3. The District Educational Officer
(Secondary), Nagercoil - 629001,
Kanyakumari District.

4. The Correspondent,
Carmel Higher Secondary School,
Nagercoil-629004,
Kanyakumari District.

5. The Provincial and Chairman,
Governing Boards,
Jesuit Hr. Edu and Hr. Sec. Schools,
Maduralaya,
Besehi Campus,
P.B. No.90, Dindigul 624 001.

... Respondents

*(R5 is Suo Motu impleaded vide court order dated. 27.09.2024 in
WP(MD).Nos.20819, 21209 and 21583 to 21585/2024 by RVJ)*



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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 issued by the 3rd respondent district Educational Officer (Secondary) in I.Mu.No. 6037/A4/2023 dated 05.07.2024 quash the same and further direct the respondents to approve the appointment of the petitioner as BT Assistant in Social Science in the 4th respondent School w.e.f. 02.06.2014 with all attendant benefits including arrears of salary and allowances and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. S. Xavier Rajini
For Respondents: M/s.N.Satheesh Kumar,
Additional Government Pleader
For R1 to R3
: Mr.K.Ragatheesh Kumar
For R4 & R5

ORDER

This writ petition is filed challenging the impugned proceedings issued by the 3rd respondent district Educational Officer (Secondary) in I.Mu.No.6037/A4/2023 dated 05.07.2024 and seeking consequential direction to the respondents to approve the appointment of the petitioner as BT Assistant in Social Science in the 4th respondent School w.e.f. 02.06.2014 with all attendant benefits including arrears of salary and allowances.



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2. I have considered the submissions made on either side and carefully perused the materials available on record.

3. The reasons for the rejection of the approval of appointment of the petitioner as BT Assistant (Social Science) is the failure to produce the Teacher Eligibility Test certificate of the petitioner. The said rejection has been passed by the respondents as early as in the year 2014. After many rounds of litigation, the reasons now for the rejection that has been attributed as Corporate Surplus and doubt in the status of the minority institution and the teachers who was appointed not possess TET qualification. As regards to the TET, since the appointment has made as early as in the year 2014 and 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 4th respondent school belongs. This Court is of the view that the petitioner can grant approval atleast from the date of the order subject to the result of the Hon'ble Apex Court in which reference is pending.



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4. In such view of the matter, the writ petition stands disposed of 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 B.T.Assitant (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.”



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5. With the above directions, the writ petition stands disposed of.

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

13.11.2025

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NCC:yes/no

Index:yes/no

Internet:yes/no

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To:

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