



W.P.(MD).No.24648 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.24648 of 2025

and

W.M.P.(MD).Nos.19340 & 19341 of 2025

M.Saburammal

...Petitioner

-Vs-

1. The Director of School Education
O/o.The Director of School Education
DPI Campus,
Chennai

2. The Chief Educational Officer
O/o.The Chief Educational Officer
Dindigul,
Dindigul District.

3. The District Educational Officer (Elementary)
O/o.The District Educational Officer (Elementary)
Dindigul,
Dindigul District.

4. The Block Educational Officer
O/o.The Block Educational Officer
Dindigul,
Dindigul District.



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5. The Correspondent

Hazrath Amirunisha Begam Oriental Primary School

Begampur

Dindigul District.

...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 4th Respondent vide his proceedings in O.Mu.No.623/A1/2023 dated 13.07.2023 and Consequential impugned order passed by the 3rd Respondent vide his proceedings in O.Mu.No.3447/A2/2023 dated 11.03.2024 and Consequential impugned Order passed by the 4th respondent vide his proceedings in O.Mu.No.1147/A1/2023 dated 01.04.2024 quash the same as illegal and consequently direct the 4th respondent to approve the appointment of the petitioner as Secondary Grade Teacher with effect from 01.07.2023 with all other service and monetary benefits and disburse the same within the stipulated period fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For petitioner : Mr.H.Mohammed Imran

For Respondent Nos.1 to 4 : M/s.N.Satheesh Kumar
Additional Govt. Pleader



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ORDER

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This writ petition is filed challenging the order passed by the 4th Respondent vide his proceedings in O.Mu.No.623/A1/2023 dated 13.07.2023 and the consequential impugned order passed by the 3rd Respondent vide his proceedings in O.Mu.No.3447/A2/2023 dated 11.03.2024 and also the consequential impugned Order passed by the 4th respondent vide his proceedings in O.Mu.No.1147/A1/2023 dated 01.04.2024 and seeking a consequential direction to the 4th respondent to approve the appointment of the petitioner as Secondary Grade Teacher with effect from 01.07.2023 with all other service and monetary benefits and disburse the same.

2. The learned counsel for the petitioner would submit that the petitioner was initially appointed as an Assistant teacher as management staff in the fifth respondent school which is an aided minority institution. While so, a vacancy has arisen and the petitioner was appointed in the vacancy that arose out of the retirement of the existing incumbent by proceedings of the fifth respondent on 01.07.2023. He would submit that the fifth respondent is a stand alone institution and that the post to which the



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petitioner was appointed was a sanctioned post and there were no surplus teachers available in the school. On 11.03.2024, the approval of the petitioner's appointment, had been refused by stating that there are 112 surplus secondary grade teachers working in the other schools in Dindigul District. He placed reliance upon the order of the Hon'ble Division Bench of this Court in WA(MD)No.700 of 2025, which had followed the earlier decision of this Court in *Irudhaya Amali's* case and held that the teachers surplus in the institution should alone be considered and contended in the case of stand alone institution, the surplus in the other schools in the District, cannot be taken into consideration. Therefore, he prays interference of the orders impugned in this writ petition.

3. Countering his argument, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the Respondent Nos.1 to 4 would submit that the appointment had been made after the judgment of the Hon'ble Division Bench in W.A(MD)No.76 of 2019. He would further submit that the petitioner does not have the qualification of TET and hence the petitioner is also not entitled to the benefit of circular issued by the Government to approve appointment of the teachers, who do not possess TET qualification. Hence, he prays this Court to dismiss the writ petition.



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4. I have considered the submissions made on either and perused the materials available on record.

5. Pursuant to the orders of this Court in WA.(MD).No.76 of 2019, the Government had issued new rules, wherein, the issue of surplus has been dealt with. The Division bench of this Court had granted status quo of the TamilNadu Private Schools (Regulation) Rules, 2023 in respect of minority institution, by order dated 12.06.2023 in WP.No.17031 of 2023 etc., batch cases. Therefore, on the date of appointment of the petitioner, the issue of surplus cannot be attributed. Further, non-qualification of TET can only be considered as and when the larger bench of the Hon'ble Supreme Court decides the issue. Since as of today, the judgement of the apex court in *Paramathi* case holds the field.

6. For the aforesaid reasons, this writ petition is disposed of on the following terms.

a) the respondents are directed to grant approval of the appointment of the petitioner within a period of four weeks from the date of receipt of a copy of this order.



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b) Such approval shall be subject to the result of the writ petition challenging the rules and also subject to the result of the Hon'ble Apex Court on the issue of non-appointment of teachers with TET qualification.

c) On such grant of approval, the petitioner would be entitled for the sanctioned salary from the date of this order and if the issue of qualification is held in 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.”

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

25.10.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn

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K.KUMARESH BABU, J.
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