



W.P.(MD).No.22286 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.22286 of 2025

and

WMP(MD).Nos.17403 and 17405 of 2025

N. Andro Churchill

...Petitioner

Vs

1. The Director of School Education,
College Road,
Chennai 600 006.

2. The Chief Educational Officer,
Kanyakumari District,
Nagercoil 629 001.

3. The District Educational Officer (Secondary),
Kuzhithurai,
Kanyakumari District.

4. The Correspondent,
St.James High School,
Parakunnu 629 163,
Kanyakumari District.

5. The Corporate Manager,
RC Schools,Diocese of Kuzhithurai,
Bishops House Campus,
Unnamalaikadai 629 179,
Kanyakumari 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 issued by the 2nd respondent Chief Educational Officer in Na.Ka.No. 7309/E2/2018 dt 09.10.2021 quash the same and further direct the respondents to approve the appointment of the petitioner as BT Assistant in History in the 4th respondent school from 17.02.2017 to 11.06.2023 with all attendant benefits including arrears of salary and allowances, 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 : M/s. S.Xavier Rajini

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

ORDER

This writ petition is filed challenging the impugned proceedings issued by the 2nd respondent Chief Educational Officer in Na.Ka.No. 7309/E2/2018 dt 09.10.2021 and seeking consequential direction to the respondents to approve the appointment of the petitioner as BT Assistant in History in the 4th respondent school from 17.02.2017 to 11.06.2023 with all attendant benefits including arrears of salary and allowances.



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2. The petitioner in the present case had been appointed as B.T.

Assistant (History) on 17.02.2017 in the vacancy that had arisen on the promotion of the incumbent. The approval had been rejected on the basis that in the Corporate Management of the School for the academic year 2016-2017, there has been 2 surplus Teachers in History. The learned Counsel for the petitioner would submit that the petitioner has now been relieved from service and hence he would be entitled for arrears of the IV Respondent and he has joined as PG Assistant in History in a school managed by the 5th Respondent.

3. A Division Bench of this Court in W.A.No.76 of 2019, etc., batch dated 31.03.2021, had propounded the concept of Corporate Management and a further Division Bench of this Court had held that the judgment in W.A.(MD).No.76 of 2019, etc batch, could only be prospective and that the appointment made earlier cannot be covered by the aforesaid judgment.

4. It is also to be noted that pursuant to the direction issued by the Division Bench in W.A.(MD).No.76 of 2019, rules have been framed and the further Division Bench of this Court in W.P.Nos.17031 of 2023 etc., batch, dated 12.06.2023 had stayed the operation of the Rules in respect of the Minority institutions.



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5. It is further to be noted that the petitioner had not passed the TET examination in the facts and hence, in the circumstances of the case, the following orders are passed:-

a) The respondents shall grant in-principle approval of the proposal sent by the 4th respondent school for the appointment of the petitioner as B.T. Assistant (History) and such approval shall be subject to the orders to be made by the Hon'ble Apex Court

b) The entitlement for salary shall be subject to the result of the Larger Bench decision with regard to the requirement and qualification of TET.

6. With the above directions, the Writ Petition is allowed and the impugned order is set aside. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

13.11.2025

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



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K.KUMARESH BABU, J.

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