



W.P.(MD)No.25270 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No25270 of 2024

and

WMP(MD).Nos.21461 & 21463 of 2024

The Correspondent
St. Josephs College Higher Secondary School,
Near Chatram Bus Stand,
Trichy District - 620002.

...Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai - 600009.
2. The Director of School Education
College Road,
Chennai- 600006.
3. The Chief Educational Officer
Trichy, Trichy District.
4. The District Educational Officer
Trichy, Trichy District.

... Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus,



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records relating to the impugned proceedings issued by the 3rd respondent CEO in Oo.Mu.No. 01086/A4/2023 dated 31.05.2023 and the consequential proceedings of the 4th respondent DEO in Oo.Mu.No. -- / Aa3/2023 dated 07.06.2023 quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of T.Alex Rajkumar as BT Assistant (History) in the petitioners school w.e.f. 15.09.2021 and disburse the grant-in-aid towards his salary and allowances with all attendant benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for
M/s.Isaac Chambers

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

ORDER

This writ petition has been filed challenging the proceedings issued by the Oo.Mu.No. 01086/A4/2023 dated 31.05.2023 and the consequential proceedings of the 4th respondent DEO in Oo.Mu.No. -- / Aa3/2023 dated 07.06.2023 and seeking direction to the 3rd and 4th respondents to approve forthwith the appointment of T.Alex Rajkumar as BT Assistant (History) in the petitioners school w.e.f. 15.09.2021 and disburse the grant-in-aid towards his salary and allowances with all attendant benefits.



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2. The learned Counsel appearing for the petitioner would submit that the petitioner is a recognized religious minority institution. He would further submit that a vacancy had arisen in a sanctioned post of BT Assistant (History) due to the promotion of the then incumbent as PG Assistant (History). Such vacancy had arisen on 02.08.2021 which had led to the appointment of one T.Alex Rajumar, BT Assistant (History) teacher with effect from 15.09.2021. A proposal was submitted to the third respondent through the fourth respondent for approval of the appointment so made. He would submit that the same was returned and refused to approve the appointment of BT Assistant (Science) teacher in the petitioner school stating that in the academic year 2019-2020, 26 BT Assistant (History) posts and in the academic year 2022-2023 26 BT Assistant (History) posts were declared as surplus with teacher in Trichy District and considering the same the Department had deployed one R.Rajadurai, BT Assistant (History) from Boys Higher Secondary School, Thiruvarangam to the petitioner school and directed to produce the certificate indicating that there was no surplus teacher in the BT Assistant (History) and to produce the teacher eligibility test certificate of the appointed teacher.



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3. I have carefully considered the submissions made by the learned Counsels appearing on either side and perused the material available on record.

4. This court had already dealt with the similar issue in W.P.(MD).No.25712 of 2024 dated 14.10.2025. The only distinction in the present case is that the person who had been appointed as BT Assistant (Science) did not possess the qualification of TET. In respect of the teachers who do not possess the TET and who are appointed before 13.01.2023 had been appointed as a teacher prior to the cut off date. In the said aspects, this Court had already dealt with in W.P.(MD).No.4209 of 2025 dated 11.09.2025. This Court is of the view that the said order would also be applicable to the present facts of the case. It is further to be noted that there is no dispute that there is no surplus in the school or any other school within the corporate management of which the petitioner's school belongs.

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



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“a) The respondents shall grant in principle approval of the proposal sent by the petitioner for the appointment of the BT Assistant (History) namely T.Alex Rajkumar.

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.”

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

14.10.2025

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

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K.KUMARESH BABU, J.

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To:

1. The Secretary,
Department of School Education,
Fort St. George,
Chennai - 600009.
2. The Director of School Education
College Road,
Chennai- 600006.
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