



WP(MD). No.23899 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.23899 of 2025

A.Mohammed Kazeem,

... Petitioner

Vs

1. The Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-600 009.
 2. The Commissioner of School Education,
College Road, Nungambakkam,
Chennai - 600 006..
 3. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.
 4. The District Educational Officer (Primary),
Thanjavur,
Thanjavur District.
 5. The Block Educational Officer,
Office of the Block Educational Officer (Unit-2)
Papanasam, Papanasam Taluk,
Thanajvur District.
- ... Respondents



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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court may be pleased to issue an order or direction in the nature of Writ most particularly in the nature of **Writ of Certiorarified Mandamus** to call for the records in relates to the impugned rejection order passed by the 4th respondent in Na.Ka.No. 01365/Aa 4/2025 dated 25.04.2025 and quash the same and consequently direct the respondents to approve the appointment of the secondary grade Teacher namely, Elamathi, from the date of appointment along with attendant and monetary benefits in the petitioner's school.

For Petitioner : Mr. V.Sasi Kumar,

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

ORDER

This Writ Petition is filed to Writ of Certiorarified Mandamus to call for the records in relates to the impugned rejection order passed by the 4th respondent in Na.Ka.No.01365/Aa 4/2025 dated 25.04.2025 and quash the same and consequently direct the respondents to approve the appointment of the secondary grade Teacher namely, Elamathi, from the date of appointment along with attendant and monetary benefits in the petitioner's school.



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2. The challenge in this writ petition is to the refusal of approval made by the petitioner in appointing Secondary Grade Teacher in a sanctioned vacancy in view of the retirement of the incumbent. The same had been rejected on the ground that there are surplus teachers in the school. It is the claim of the petitioner that as regards the Secondary Grade Teachers, originally six posts were sanctioned, of which four were declared as surplus in the academic year 2023-2024 and that for the academic year 2024-2025, the remaining two were also declared as surplus. Therefore, the school does not have any secondary Grade Teacher. He would submit that the students studying in the primary school cannot be left without teacher. Therefore the order of rejection passed by the respondent is bad in law. Hence, he seeks indulgence of this Court.

3. Countering his argument, learned Additional Government Pleader would submit that apart from declaring two posts in the Secondary Grade as surplus, two BT Assistant posts have also been declared as surplus and who are working in the school. As regards the Secondary Grade Teachers, the two posts that had been declared as



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surplus, there were no teachers working. Hence, the BT Assistance who are teaching in the Middle School can always be deployed by the school to take care of the primary school students who are only 43 in number. Hence he would submit that there is no infirmity in the order passed by the fourth respondent.

4. I have considered the submissions made by the learned counsel on either side.

5. Admittedly, the students strength of the primary school is 43 and the student strength of the middle school is 104. Such staff fixation had not been challenged by the petitioner. Having not challenged the staff fixation for the academic year 2024-2025, the petitioner now cannot seek to fill up a vacancy which has been declared as surplus. As rightly pointed out by the learned Additional Government Pleader, the surplus teachers in the BT Assistant cadre can always be deployed to teach the primary school students, as they have more qualifications than a secondary Grade Teacher.



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6. For the above said reasons, I do not find any merit in the writ petition. Accordingly, this Writ Petition stands dismissed. No costs.

17.11.2025

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

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K.KUMARESH BABU, J

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