



WP(MD). No.27108 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 28/10/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.27108 of 2025

and

W.M.P(MD).Nos.21041 and 21045 of 2025

The Correspondent,
St. Mary's R.C.Primary School,
Chinnadharapuram,
Karur District-641 001.

... Petitioner

Vs

1.The State of Tamil Nadu,

Rep. by its Secretary,

Department of School Education,

Fort. St. George,

Chennai.

2.The Commissioner of Elementary Education,

College Road, Chennai-600 006.

3.The District Educational Officer (Elementary),

Karur, Karur District.

4.The Block Educational officer

K.Paramathi, Karur 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 order issued by the 3rd respondent District Educational officer in Na.Ka.No.576/A2/2023 dated 29.07.2024, and quash the same and further direct the 3rd and 4th respondents to approve forthwith the appointment of the Sr.Magi Margret as Secondary Grade Teacher with effect from the date of her appointment viz., 14.06.2017 and release salary and other benefits from the said date.

For Petitioner : Mr.K.Ragatheesh Kumar
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order issued by the 3rd respondent District Educational officer in Na.Ka.No. 576/A2/2023 dated 29.07.2024 and seeking consequential direction to the 3rd and 4th respondents to approve forthwith the appointment of the Sr.Magi Margret as Secondary Grade Teacher with effect from the date of her appointment viz., 14.06.2017 and release salary and other benefits from the said date.



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2. The learned Counsel for the petitioner would submit that the claim for approval of an appointment of Sr.Magi Margret as Secondary Grade Teacher in the petitioner institution dated 14.06.2017 had been returned on the ground that the concerned incumbent's has got her SSLC certificate from the State of Kerala. Equivalence certificate certifying that the SSLC in Kerala State is equivalent to the SSLC in TamilNadu has not been enclosed. The petitioner institution has not followed Section 35(2) of the TamilNadu Private School (Regulation) Act, 2018 wherein, it has been provided that without prior permission of the competent authority recruitment cannot be done. The petitioner institution has not followed Rule 28(2) (a) of the TamilNadu Private Schools (Regulations) Rules, 2023, which relates to deployment of the teaching staff in schools. As per the fixation orders for the academic year 2023-2024, there are 33 surplus teachers working in the corporate management of the school and Rule 28(4) (b) of the TamilNadu Private Schools (Regulations) Rules, 2023 provides from minimum qualification for the teaching staff. As per the rules, the incumbent has not passed Teachers Eligibility Test.



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3. The learned counsel for the petitioner would submit that the issue raised in the writ petition is covered by a judgment of the another Single Judge made in W.P.No.4735 of 2017 dated 15.04.2019 and he had circulated the aforesaid judgment. The petitioner had completed S.S.L.C in the State of Kerala, which was treated on par with the educational qualification of S.S.L.C in the State of Tamil Nadu. He would submit that what is required that the petitioner should have possessed a minimum educational qualification prescribed for the post.

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

5. A perusal of the judgment relied upon by the learned counsel for the petitioner would indicate that this Court had relied upon an earlier judgment as affirmed by the Hon'ble Division Bench and the Hon'ble Apex Court, in that regard, holding that such certificate issued by the State of Karnataka to be a valid certificate, by considering the petitioner therein had also completed further education on the certificate issued by the State of Karnataka. The equivalence need not be verified. The



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petitioner had completed her Higher Secondary Examination and further diploma in Elementary Education, based upon the said Secondary Leave Leaving Certificate. Therefore, there is no necessity for seeking for equivalence.

6. In the present case also, the petitioner after completing her S.S.L.C had done her higher qualification in the State of Tamil Nadu and also been permitted to write a public examination. As regards to the issue relating to qualification of TET, it is to be noted that the same is now pending consideration by a Larger Bench of the Apex Court. That apart, from the letter issued by the Principal Secretary to Government, School Education Department, dated 16.04.2025, it could be seen that the Government had taken a policy decision to approve the proposal that was pending as on 13.01.2023 subject to the outcome of the orders to be passed by the Hon'ble Apex Court. The Hon'ble Division Bench of this Court also taking note of the said communication had directed the authorities to pass appropriate orders on the same. In the present case also, the petitioner had sent for approval of appointment of a teacher who had been appointed as early as on 14.06.2017, which is before the cut off date as envisaged in the letter, dated 16.04.2025.



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7. With regard to the issue of management surplus, it is to be seen that the appointment had been made prior to the judgment in W.A(MD).No.76 of 2019 batch, and therefore, this Court is of the view that for appointment that has been made prior to the said judgment cannot be applied.

8. In such view of the matter, this Court is of the view that the judgment relied upon by the petitioner is squarely applicable to the facts of the present case. Hence, this Writ Petition stands allowed with the following direction :

a) The respondents shall grant inprinciple approval of the proposal sent by the petitioner institution for the appointment of Sr.Magi Margret as Secondary Grade Teacher with effect from her date of appointment i.e., on 14.06.2017.

b) Such approval shall be subject to the orders to be made by the Hon'ble Apex Court.



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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 petitioner 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.”

9. With the above directions, this writ petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

28.10.2025

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K.KUMARESH BABU,J

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To

- 1.The Secretary,
Department of School Education,
Fort. St. George,
Chennai.
- 2.The Commissioner of Elementary Education,
College Road, Chennai-600 006.
- 3.The District Educational Officer (Elementary),
Karur, Karur District.
- 4.The Block Educational officer
K.Paramathi, Karur District.

**ORDER
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Date : 28/10/2025