



W.P.(MD)No.26776 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.26776 of 2025

M.Rathnadurai Swamikkan

...Petitioner

Vs

1.The District Educational Officer (Elementary),
Tirunelveli,
Tirunelveli District.

2. The Block Educational Officer,
Palayamkottai,
Tirunelveli District.

3. The Correspondent,
TDTA Middle School,
Omanallur,
Tirunelveli 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 record pertaining to the order passed by the 1st respondent in his proceedings in O.Mu.No.1467/A2/2025 dated 06.05.2025 and quash the same and direct the respondents to approve the appointment of the petitioner as B.T. Assistant (Science) with effect from 01.02.2018 with salary and all other consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam
For Respondent : Mr.N.Satheesh Kumar
Nos.1 & 2 : Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings issued by 1st respondent in his proceedings in O.Mu.No.1467/A2/2025 dated 06.05.2025 and seeking consequential direction to the respondents to approve the appointment of the petitioner as B.T. Assistant (Science) with effect from 01.02.2018 with salary and all other consequential benefits.

2. The learned Counsel appearing for the petitioner would submit that the 3rd respondent school is a recognized religious minority institution. He would further submit that a vacancy had arisen in a sanctioned post due to the promotion of the then incumbent in the post of Elementary School Headmaster. Such vacancy had arisen, which had led to the appointment of the petitioner as BT Assistant (Science) with effect from 01.02.2018. He further submits that the then incumbent who worked as a Secondary Grade Teacher was promoted to the post of Elementary School Headmaster. As per the policy decision of the



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government, as and when the Secondary Grade Teacher post became vacant in the middle sections namely 6th to 8th standards, it will be automatically upgraded as B.T. Assistant from the year 2002 onwards. In the permanent sanctioned vacancy only the petitioner was appointed as B.T. Assistant (Science) w.e.f. 01.02.2018. The 3rd respondent school is an aided minority institution and having every right of administration including appointment as per Article 30(1) of the Constitution of India. The 3rd respondent school management has sent a proposal to the authorities to approve the appointment of the petitioner w.e.f. 01.02.2018. The second respondent returned the said proposal for want of some particulars on 28.05.2018. Thereafter, the 3rd respondent management had resubmitted the proposal to the first respondent through the second respondent on 31.07.2018. He further submits that the second respondent had returned the proposal with a direction to produce the surplus certificate indicating that there was no surplus teacher in the BT Assistant (Science) 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 said cut off date. In view of the same, this Court already dealt with in W.P.(MD).No.4209 of 2025 dated 11.09.2025 and W.P.(MD).No.25712 of 2024 dated 14.10.2025. 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 3rd respondent's school belongs.



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5. In such view of the matter, the writ petition stands disposed of

with the following directions:

“a) The respondent Nos.1 & 2 shall grant in principle approval of the proposal sent by the 3rd respondent for the appointment of the petitioner as BT Assistant (Science).

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 allowed, there shall be no order as to costs.

14.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

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K.KUMARESH BABU, J.

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To:

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Tirunelveli District.

2. The Block Educational Officer,
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