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WP(MD)No.28025 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.28025 of 2025 &
WMP.(MD).Nos.21778 & 21779 of 2025

S.Vijila

... Petitioner

/vs./

- 1.The Director of School Education,
College Road, Chennai – 600 006.
- 2.The Chief Educational Officer,
Kanyakumari District at Nagercoil – 629 001.
- 3.The District Educational Officer (Secondary)
Marthandam, Kanyakumari District.
- 4.The Correspondent,
CSI VV Higher Secondary School,
Irenipuram – 629 162,
Kanyakumari District.
- 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari
No.71A, Dennis Street, Nagercoil – 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent Chief Educational Officer in Mu.Mu.No.1133/E4/2021, dated 14.09.2021, quash the same and further direct



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the respondents to approve the appointment of petitioner as BT Assistant in Tamil in the fourth respondent school namely CSI VV Higher Secondary School, Irenipuram, Kanyakumari District w.e.f., 01.10.2019, and disburse grant-in-aid towards her salary and other allowances, and pass such further suitable orders.

For Petitioner : Mr.Xavier Rajini

For Respondents : Mr.N.Satheesh Kumar AGP for RR1 to R3

Mr.S.C.Herold Singh for RR4 & 5

ORDER

This Writ Petition had been filed to quash the impugned proceedings issued by the 2nd respondent Chief Educational Officer, dated 14.09.2021 and further direct the respondents to approve the appointment of petitioner as BT Assistant in Tamil in the fourth respondent school namely CSI VV Higher Secondary School, Irenipuram, Kanyakumari District w.e.f., 01.10.2019, and disburse grant-in-aid towards her salary and other allowances.

2. The petitioner in the present case had been appointed as B.T. Assistant (Tamil) on 01.10.2019 in the vacancy that had arisen on the superannuation of the incumbent. The approval had been rejected on the basis that in the Corporate Management of the School for the academic year 2019-20, there has been 14 surplus Teachers in Tamil and 25 surplus Teachers in Secondary Grade Teachers.



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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.

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 respondent 2 shall grant in-principle approval of the proposal sent by the respondent school for the appointment of the petitioner as B.T. Assistant (Tamil);
- 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 in favour of the petitioner by the Hon'ble Apex Court, then the approval should revert back to the date of appointment of the said B.T. 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 is allowed and the impugned order is set aside. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.10.2025

Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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W.P.(MD)No.28025 of 2025 &
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