



W.P.(MD).No.29049 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

W.P.(MD).No.29049 of 2025

and

W.M.P.(MD).No.22520 of 2025

S.Samuelraj

... Petitioner

vs

1. The Director of Elementary Education
Chennai-6.

2. The District Educational Officer (Elementary)
Tenkasi District.

3. The Block Educational Officer
Keelapavur
Tenkasi District.

4. The Correspondent
TDTA Middle School.
Karumbalaperi
Tenkasi 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 records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.1245/A1/2023, dated 05.12.2024 and quash the same and direct the respondents to approve the appointment of the petitioner as B.T.Assistant (Science) from 04.06.2019 with all other consequential



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benefits and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.N.Satheesh Kumar
Addl. Govt. Pleader – For R1 to R3

ORDER

This writ petition is filed challenging the order passed by the 2nd respondent in his proceedings in Na.Ka.No.1245/A1/2023, dated 05.12.2024 and seeking consequential direction to the respondents to approve the appointment of the petitioner as B.T.Assistant (Science) from 04.06.2019 with all other consequential benefits.

2. I have carefully considered the submissions made on either side and perused the materials available on record.

3. It is the claim of the petitioner that he had been appointed as B.T. Assistant (Science) in the 4th respondent school in the permanent sanctioned post which arose due to the retirement of the then incumbent namely Mrs.Elizabeth Rani, Secondary Grade Teacher, on 31.05.2019. Even as per the staff fixation order for the academic year 2018-2019 there



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has been no surplus teachers working in the school. The vacancy arose due to the retirement of the then incumbent on 31.05.2019, is only a sanctioned vacancy. In the said sanctioned post only the petitioner had been appointed as B.T. Assistant (Science). As per the policy decision of the 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. 04.06.2019. The 4th respondent school is a an aided minority institution and having every right of administration including appointment as per Article 30(1) of the Constitution of India. The 4th respondent school management has sent a proposal to the authorities to approve the appointment of the petitioner w.e.f. 04.06.2019. The second respondent returned the said 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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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 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 4th respondent's school belongs.

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

“a) The respondent No.2 shall grant inprinciple approval of the proposal sent by the 4th 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.



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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 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 eight (8) 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 petition is closed.

18.11.2025

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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K.KUMARESH BABU.J.

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To

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