



W.P.(MD).No.31417 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.31417 of 2025

and

W.M.P(MD)Nos.24620 and 24621 of 2025

The Correspondent & Headmistress
St.Joseph's Girls Hr.Sec.School,
Kumbakonam – 612001,
Thanjavur District.

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep by its Secretary
Department of School Education
Fort St.Geroge, Chennai - 600 009
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
The Office of the CEO
Thanjavur District - 613 001
- 4.The District Educational Officer,
The Office of the DEO,
Kamatchi Josiyar Street
Opp.To CUB
Kumbakonam
Thanjavur District - 612 001.

... 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 conditions stipulated in the upgradation order of the third respondent CEO in Mu.Mu.No. 4714/A1/2023 dated 30.11.2023 and subsequent impugned proceedings issued by the third respondent Chief Educational Officer in O.Mu.No. 1468/A1/2025 dated 24.06.2025, quash the same and further direct the third and fourth respondents to approve forthwith the appointment of Mrs.S.Antali Libina as B.T.Assistant (English) in the petitioner school, w.e.f. 23.01.2024 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner : M/s.S.Amala Irudhaya Mary

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

ORDER

This writ petition has been filed for a writ of Certiorarified Mandamus, calling for the records relating to the impugned conditions stipulated in the upgradation order of the third respondent in Mu.Mu.No. 4714/A1/2023 dated 30.11.2023 and subsequent impugned proceedings issued by the third respondent in O.Mu.No.1468/A1/2025 dated 24.06.2025, quash the same and further direct the respondents 3 and 4 to approve forthwith the appointment of Mrs.S.Antali Libina as



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B.T.Assistant (English) in the petitioner school, w.e.f. 23.01.2024 and disburse grant-in-aid towards her salary and other attendant benefits.

2. The approval of the appointment of B.T.Assistant (English) has been rejected on the ground that while giving upgradation to the post of Secondary Grade Teacher to B.T.Assistant, there has been a condition imposed upon the school that the same could be filled only by promotion and not by direct recruitment, It has been repeatedly held by the Division Bench of this Court that the upgradation of a sanctioned post is automatic.

3. In view of the same, such a condition could not have been imposed by the authorities and therefore, such a condition is a non est condition. Hence, the impugned order is liable to be set aside. It is also noted that the Teacher, who had been appointed also possesses a necessary qualification of TET and there is no complaint of any surplus available in the school or in the corporate Management of which the school is part of.



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4. In such view of the matter, the impugned order is set aside and the matter is remitted back to the third respondent to grant approval to the proposal submitted by the petitioner. Such exercise shall be completed by the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

5. The writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

19.11.2025

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

To:

- 1.The Secretary
Department of School Education
Fort St.Geroge, Chennai - 600 009
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
The Office of the CEO
Thanjavur District - 613 001



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4. The District Educational Officer,
The Office of the DEO,
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K.KUMARESH BABU, J.

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