



W.P.(MD).No.32589 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.32589 of 2025

and

WMP(MD).Nos.25691 and 25692 of 2025

S.Mohamed Azarudeen
...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Secretariat, St. George Fort,
Chennai 600 009.

2. The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai.

3. The Chief Educational Officer,
O/o. The Chief Educational Office,
Madurai, Madurai District.

4. The District Educational Officer (Secondary),
O/o. The District Educational Office (Secondary),
Melur 625 106, Madurai District.

5. The Correspondent,
Al Ameen Higher Secondary School,
K.Pudhur,
Madurai - 7.

... 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 passed by the 4th Respondent vide his impugned proceedings in O.Mu. No.5900/Aa1/2025 dated 12.09.2025 and quash the same as illegal and consequently direct the 4th Respondent to approve the appointment of the Petitioner as B.T. Assistant (Tamil) with effect from 02.06.2025 with all other service and monetary benefits and disburse the same, within the stipulated period fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : M/s. M. Mohamed Zamil
For Respondents : M/s.N.Satheesh Kumar,
Additional Government Pleader
For R1 to R4

ORDER

This writ petition is filed challenging the impugned Order passed by the 4th Respondent vide his impugned proceedings in O.Mu. No. 5900/Aa1/2025 dated 12.09.2025 and seeking consequential direction to the 4th Respondent to approve the appointment of the Petitioner as B.T. Assistant (Tamil) with effect from 02.06.2025 with all other service and monetary benefits and disburse the same.



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2. The learned Counsel appearing for the petitioner would submit that the 5th respondent school is a recognized religious minority institution. He would further submit that a vacancy had arisen in a sanctioned post due to the demise of the then incumbent. Such vacancy had arisen, which had led to the appointment of the petitioner as BT Assistant (Tamil) with effect from 02.06.2025. In the permanent sanctioned vacancy only the petitioner was appointed as B.T. Assistant (Tamil) w.e.f. 02.06.2025, and the same was well within the staff fixation order for the academic year 2024-2025. The 5th respondent school management has sent a proposal to the authorities to approve the appointment of the petitioner w.e.f. 02.06.2025. The 4th respondent returned the said proposal with a direction to produce the teacher eligibility test certificate of the appointed teacher.

3. I have carefully considered the submissions made by the learned Counsels appearing on either side and perused the material available on record.



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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 qualification of TET and who are appointed on or before 13.01.2023, a policy decision has been taken by the Government to approve such appointments, however, subject to the result of the larger bench decision pending before the Hon'ble Apex Court. It is to be further noted that there is no surplus in the school or any other school within the corporate management of which the 5th respondent school belongs.

5. It is to be noted that the Hon'ble Division Bench in W.A.(MD).No. 2592 of 2025, dated 10.09.2025, had held that dicta laid down in ***Pramati*** case, continue to apply until it is modified in any way. It had further held that in the light of the existing binding precedent, the issue is also concluded by affirming the decision of the learned Single Judge.

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



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“a) The respondent No.4 shall grant in-principle approval of the proposal sent by the 5th respondent for the appointment of the petitioner as BT Assistant (Tamil).

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.”

7. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
gvn

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K.KUMARESH BABU, J.

gvn

To:

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