



W.P.(MD)No.32876 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : **28.11.2025**

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.32876 of 2025

R.Mercy

...Petitioner

Vs

1. The District Educational Officer (Elementary)
Tuticorin District.

2. The Block Educational Officer-I
Sattankulam Range
Tuticorin District.

3. The Correspondent
St.Stephens TNDTA Primary School
Sattankulam
Tuticorin 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 1st respondent in his proceedings in Moo.Moo.No.801/AA1/2024 dated 24.06.2024 in so far as denial of approval from 01.11.2018 to 06.08.2023 and QUASH the same and direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment i.e., from 01.11.2018 with salary and all other



W.P.(MD)No.32876 of 2025

consequential benefits and pass such further or other orders as may deem fit and thus render justice.

For Petitioner : Mr.A.Arun Prasad
For Respondent : Mr.N.Satheesh Kumar
Nos.1 & 2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings issued by 1st respondent in his proceedings in Moo.Moo.No. 801/AA1/2024 dated 24.06.2024 and seeking consequential direction to the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment i.e., from 01.11.2018 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 to the post of Headmaster. In such vacancy that had arisen had led to the appointment of the petitioner as Secondary Grade Teacher with effect



W.P.(MD)No.32876 of 2025

from 01.11.2018. In the said vacancy, the 3rd respondent school appointed a fully qualified teacher i.e, petitioner herein in the 3rd respondent school as Secondary Grade Teacher. 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 Secondary Grade Teacher w.e.f. 01.11.2018. The 3rd 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 3rd respondent school management has sent a proposal to the authorities to approve the appointment of the petitioner w.e.f. 01.11.2018. The first respondent issued proceedings on 24.06.2024 approved the petitioner's appointment only with effect from 07.08.2023 instead of 01.11.2018. He further submits that the first respondent had denied to approve the appointment of the petitioner as Secondary Grade Teacher from 01.11.2018 by stating reason that in the academic year 2017-2018, 19 Secondary Grade Teacher posts and in the academic year 2018-2019 11 Secondary Grade Teacher posts were declared as surplus in Tuticorin District and directed to produce the



W.P.(MD)No.32876 of 2025

certificate indicating that there was no surplus teacher in the Secondary Grade Teacher and 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.

4. This court had already dealt with the similar issue 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.

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



W.P.(MD)No.32876 of 2025

“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 Secondary Grade Teacher

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 **disposed of**, there shall be no order as to costs.

28.11.2025

6/8

NCC:yes/no
Index:yes/no
Internet:yes/no
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W.P.(MD)No.32876 of 2025

K.KUMARESH BABU, J.

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To:

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Tuticorin District.
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W.P.(MD).No.32876 of 2025

28.11.2025

6/8