



WEB COPY



W.P.No.5198 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5198 of 2024
and W.M.P.No.5717 of 2024

M.D.Kagagumary

... Petitioner

Vs

1.The Government of Tamil Nadu
Represented by its Principal Secretary
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer
The Office of the Chief Educational Officer
Thiruvannamalai-606 601.

4.The District Educational Officer (Secondary)
Office of the District Educational Officer
Thiruvannamalai-606 604.

5.The Correspondent
Punitha Sagaya Annai Boys Higher Secondary School
Pavithram Village & Post
Thiruvannamalai District-606 806.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 28.12.2023 in Na.Ka.No.2861/AA2/2020 on the file of the 4th respondent and quash the same, directing the Respondents 1 to 4, to re-fix the pay scale of the petitioner by according approval to the promotion of the petitioner, as B.T Asst (History) in the 5th respondent Punitha Sagaya Annai Boys Higher Secondary School, Pavithram Village & post, Thiruvannamalai District-606 806 w.e.f. 04.06.2017, with all back wages and consequential pensionary benefits.

For Petitioner : Mr.Father Xavier Arulraj, Senior Counsel
for M/s.Father Xavier Associates

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader for RR-1 to 4

ORDER

Aggrieved by the refusal order passed by the 4th respondent, whereby the proposal for approval to the petitioner's promotion to the post of B.T.Asst (History) was returned unapproved, the petitioner is before this Court.

2. It is the case of the petitioner that the petitioner was initially appointed as Secondary Grade Assist in the 5th respondent School in the year 1996 and subsequently, the same was approved by the competent Educational Authorities. In view of the vacancy arose in the 5th respondent school to the post of B.T.Asst (History) on account of transfer of one V.Sagayadoss on 03.06.2019, the



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petitioner was promoted as B.T.Assist (History) by order dated 24.05.2019 w.e.f. 04.06.2019 and thereafter, a proposal for grant of approval for the said promotion was sent to the 4th respondent on 10.06.2019 however, the said proposal was returned unapproved vide impugned order dated 28.12.2023. Challenging the said refusal order, the present Writ Petition has been filed.

3. Learned Senior Counsel appearing for the petitioner submitted that, though the petitioner retired from service on 29.02.2020 during the pendency of approval for promotion to the post of B.T Asst (History), the petitioner is entitled to protection under G.O.Ms.No.300, Education Department dated 24.12.2025 which provides for grant of approval for appointments of teachers working in Government-aided minority schools who had not possessed Teacher Eligibility Test prior to 13.01.2023. It is further submitted that, this Court may issue a direction to the respondents to disburse all the eligible terminal benefits to the petitioner within the reasonable time that may be stipulated by this Court.

4. Learned Special Government Pleader appearing for respondents 1 to 4 reiterated the averments made in the counter affidavit filed on behalf of the 4th respondent and submitted that, in any event, the terminal benefits payable to the petitioner would be disbursed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner had retired from service prior to the passing of the impugned order whereby the proposal seeking approval for his promotion to the post i.e.B.T.Asst (History) came to be returned unapproved. In view of the fact that the retirement preceded the impugned order, this Court is of the considered opinion that the question of granting approval to the promotional post after retirement does not arise and hence, this Court finds no merits in this Writ Petition and the impugned order passed by the respondents does not warrant interference. However, there shall be a direction to the respondents to disburse all the eligible terminal benefits to the petitioner, if not already disbursed, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands dismissed with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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(1/2)

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J

Nhs

To

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Fort St.George, Chennai-600 009.

2.The Director of School Education,
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