



WEB COPY

WP No. 9177 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9177 of 2026

AND WMP NO. 9904 OF 2026

A. Mohammed Iliyas,
B.T. Assistant (Science)
Islamiah boys Higher Secondary School,
Melvisharam - 632 509.

..Petitioner(s)

Vs

1. The Director of School Education,
College Road, Chennai – 6.
2. The Chief Educational Officer,
Vellore District.
3. The District Educational Officer (Secondary),
Vellore District.
4. The Correspondent,
Islamiah Boys Higher Secondary school,
Melvisharam 632 509.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue of writ of certiorarified mandamus calling for the entire records connected with the impugned order passed by the second respondent in Na.Ka.No.1490/AA2/2025 dated 24.03.2025 and quash the same and consequently direct the second respondent to approve the appointment of the petitioner as B.T. Assistant (Science) in the fourth respondent/school, with effect from 02.06.2018 with all consequential monetary benefits.



For Petitioner(s):

Mr.S.N.Ravichandran

For RR 1 to 3:

Mrs.Mythreye Chandru
Special Government Pleader

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ORDER

This writ petition is being filed by the petitioner for the following relief:

“to call for the entire records connected with the impugned order passed by the second respondent in Na.Ka.No.1490/AA2/2025 dated 24.03.2025 and quash the same and consequently direct the second respondent to approve the appointment of the petitioner as B.T. Assistant (Science) in the fourth respondent/school, with effect from 02.06.2018 with all consequential monetary benefits.”

2. It is the case of the petitioner that he was appointed as B.T. Assistant (Science) in the fourth respondent/school on 02.07.2018 in the vacancy arising due to the promotion of one Shahul Hameed as P.G. Assistant (Biology) on 01.06.2017. The petitioner had joined the fourth respondent/school on the very same day *i.e.* on 02.07.2018. Thereafter, the fourth respondent/school had sent a proposal to the third respondent seeking approval for appointment of the petitioner and the same was forwarded by the third respondent to the second respondent *vide* proceedings dated 20.08.2018. By proceedings dated 01.03.2019, the second respondent had returned the proposal seeking rectification of certain defects and the third respondent forwarded the



same to the fourth respondent/school *vide* proceedings dated 09.06.2019.

Thereafter, the fourth respondent/school sent another proposal on 06.02.2020 to the third respondent after rectifying the defects mentioned by the second respondent, however, the same was forwarded to the second respondent by the third respondent after the delay of one year on 31.03.2021. The second respondent passed the impugned order dated 24.03.2025 rejecting the proposal by virtue of G.O.Ms.No.165 of 19, School Education and (EE2(1)) Department, dated 17.09.2019, by stating that the appointments had to be made through deployment of surplus teachers/staffs available and not by fresh appointment, challenging which, the petitioner is before this Court.

3. It is the contention of the petitioner that a Division Bench of this Court, *vide* judgment dated 31.03.2021 passed in W.A.(MD).No.76 of 2019, had declared G.O.Ms.No.165 of 19, School Education and (EE2(1)) Department, dated 17.09.2019, as inoperative and the same was communicated by the fourth respondent/school to the third respondent *vide* representation dated 27.10.2025 and a reminder was also sent by the fourth respondent/school, however, there has been no response. Therefore, the petitioner is before this Court seeking the relief as stated above.



4. On perusal of the records, it is clear that the petitioner has been appointed in the vacancy that has been created on account of the promotion of one Shahul Hameed. The post is the sanctioned post and therefore, the allegation that the post has to be filled up from out of the surplus teachers/staffs relying upon G.O.(Ms).No.165 of 19 cannot be sustained, inasmuch as, the said Government Order has been struck down by the judgment of the Division Bench of this Court in W.A.(MD).No.76 of 2019. This order has been followed by a Coordinate Bench in W.P.No.32316 of 2023, wherein, this Court had proceeded to quash the order passed by the second respondent therein and appointed the petitioner therein to the post of Secondary Grade Teacher and the respondents therein were also directed to disburse the salary to the petitioner therein from the date of initial appointment with all other benefits.

5. By taking note of the judgment dated 31.03.2021 passed in W.A.(MD).No.76 of 2019, the same will apply to the facts of the instant case and consequently, this writ petition is liable to be allowed.

Accordingly, this writ petition stands allowed by setting aside the impugned order dated 24.03.2025 passed by the second respondent in Na.Ka.No.1490/AA2/2025 with a direction to the second respondent to approve the proposal sent by the fourth respondent/school for the appointment of the petitioner as B.T. Assistant (Science) in the fourth respondent/school with effect



from the date of his appointment *i.e.* 02.07.2018, forthwith, with all attendant benefits including arrears of salary and allowances. No costs. Connected W.M.P. is closed.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

nsd

To

1. The Director of School Education,
College Road, Chennai 6
2. The Chief Educational Officer
Vellore District
3. The District Educational Officer (Secondary)
Vellore District
4. The Correspondent
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P.T.ASHA J.

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