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W.P.No.46462 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2026

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**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 46462 of 2025**

R.Kanimozhi

...Petitioner

Vs.

1. The Director of Elementary Education  
College Road, Chennai-600 006.

2.The District Educational Officer,  
(Elementary Education)  
Vriddhachalam,  
Cuddalore District.

3. The Block Educational Officer,  
Vriddhachalam, Cuddalore District.

4. The Corespondent  
D. M. Middle School,  
Kaspa, Vriddhachalam.  
Cuddalore District-606 001



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5.The Central Manager

Arcot Lutheran Church

D.M. Elementary & Higher Elementary Schools

ALC Central Office, No.9, A.L.C. Campus,

Cuddalore - 607 001

...respondents

**Prayer:** Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2<sup>nd</sup> respondent made in her proceedings in Na.Ka.No.2972 / A3 / 2025, dated 13-10-2025 and QUASH the same and direct the respondents 1 to 3 herein to approve the appointment of the petitioner in the 4<sup>th</sup> respondent School from the date of her appointment i.e., 04.03.2019 with all consequential service and monetary benefits including arrears of salary.

For Petitioners : Mr. A.Segu Kaizer

For Respondents : Mrs. Mythreye Chandru  
1 to 3 Special Government Pleader



## **ORDER**

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Challenging the order passed by the 2<sup>nd</sup> respondent and directing respondents 1 to 3 to approve appointment of the petitioner in the 4<sup>th</sup> respondent school with all consequential service and monetary benefits including arrears of salary, the petitioner is before this Court.

2. The short facts which has culminated in the filing of this writ petition is herein below set out.

3. The petitioner was appointed as a Secondary Grade Assistant Teacher in the 4<sup>th</sup> respondent minority school on 04.03.2019. On 16.03.2019, the 4<sup>th</sup> respondent school sent a proposal for approval of the appointment of the petitioner. The said post is a permanent vacancy which had arisen on account of death of one Charles Thiyagarajan, Secondary Grade Assistant Teacher.

4. The petitioner would submit that since the proposal were not been considered for long time despite her representation dated



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21.04.2025 to the 2<sup>nd</sup> respondent, she had filed WP.No.25295 of 2025, seeking direction to respondents 2 and 3 to dispose of the petitioner's representation. By order of this Court dated 14.07.2025, respondents 2 and 3 were directed to consider and pass orders on the representation.

5. It is submitted that on receipt of the above order by the impugned order dated 13.10.2025, the 2<sup>nd</sup> respondent had rejected the proposal stating that the petitioner had not passed the eligibility test as on date and 17 surplus posts were available in the school under the control of Central Manager, Arcot Lutheran Church, Cuddalore District and that the teachers working in the above said surplus posts have to be redeployed to the needy school.

6. Challenging the same, the petitioner is before this Court.

7. The respondents have not filed a counter affidavit as the issue involved is purely a legal issue.



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8. A question as to whether the teachers in minority school has to qualify TET has been considered by the Division Bench of this Court in ***WA.No.1865 of 2025 dated 24.06.2025***. The Division Bench relying upon the Judgement reported in ***2016 (4) CTC 841 the Secretary to Government Vs. S.Jayalakshmi and another***, where this Court held that GO.Ms.No.181, School Education Department dated 15.11.2011, which makes TET mandatory to primary school teachers will not apply to the minority institution and had proceeded to dismiss the appeal filed by the Director of Elementary Education. Therefore, the rejection on the ground that the petitioner had not qualified TET cannot be a ground for rejecting an approval.

9. The next ground on which the approval has been rejected is that the surplus posts have not been re-deployed. This issue was considered by the another Division Bench of this Court in ***WA.No.253 of 2025 dated 29.01.2025***, wherein the learned Judges have observed as follows:

*11.In that view of the matter, the following orders are*



*passed in the writ appeal:*

*(i) that the order impugned passed by the writ Court is set aside. As a sequel for the reasons stated herein above, the order impugned before the writ Court dated 21.03.2022 also is set aside.*

*(ii) Resultantly, there shall be a direction to the respondents, especially the respondents 2 and 3 to reconsider the proposal submitted by the appellant School with regard to the appointment of the Secondary Grade Teacher one J.Vijayakumar with effect from 01.02.2021 and if the appointment is otherwise in order, the same shall be approved and after approval, if the respondents find that there has been excess Teacher in the appellant School, it is open to the respondents to redeploy the Teacher to be approved to any needy School immediately. However such a redeployment would no way hamper the service prospects of the Teacher concerned including the backwages with effect from the date of appointment.*



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10. Therefore, in the light of the above the impugned order has to necessarily be set aside and is accordingly set aside. The writ petition is allowed. The respondents 1 to 3 are directed to approve the appointment of the petitioner in the 4<sup>th</sup> respondent school from the date of his appointment, i.e., 04.03.2019, with all consequential service and monetary benefits including arrears of salary, within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

**10.03.2026**

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To

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**P.T. ASHA, J**

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