



W.P.No.3665 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.3665 of 2026
And
W.M.P.No.4064 of 2026**

A.Rosy

... Petitioner

Vs.

- 1 The Government of Tamil Nadu,
Represented by the Secretary to Government
School Education Department,
Fort St.George,
Chennai – 9.
- 2 The Director of Elementary Education
College Road,
Chennai – 6.
- 3 The District Educational Officer (Elementary)
Tenkasi District,
Tenkasi.
- 4 The Block Educational Officer
Alangulam Range
Alangulam,
Tenkasi District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records of the



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first respondent issued in Government letter No.(e-file) 4009/Pa.Ka. 6(2)/2024 -1 dated 10.05.2024 issued by the first respondent and consequential proceedings issued in Na.Ka.No.1280/A4/2024 dated 24.09.2024 issued by the third respondent and quash the same in so far as petitioner is concerned and to issue a consequential direction to the respondent Nos.1 to 4, to approve appointment of petitioner as Secondary Grade Teacher from 18.06.2018 when she was originally appointed as Secondary Grade Teacher at Hindu Middle School, Thuthikulam, Tenkasi District with service and monetary benefits.

For Petitioner : Mr.R.Saseetharan
For Respondents : Ms.Mythreye Chandru
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent issued in Government letter No.(e-file) 4009/Pa.Ka. 6(2)/2024 -1 dated 10.05.2024 issued by the first respondent and consequential proceedings issued in Na.Ka.No.1280/A4/2024 dated 24.09.2024 issued by the third respondent and quash the same in so far as petitioner is concerned and to issue a consequential direction to the respondent Nos.1 to 4, to approve appointment of petitioner as Secondary Grade Teacher from 18.06.2018 when she was originally



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appointed as Secondary Grade Teacher at Hindu Middle School, Thuthikulam, Tenkasi District with service and monetary benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Secondary Grade Teacher on 18.06.2018 by the order of the Superintendent of R.C Cluster of Management Schools, Palayamkottai Dioceses, at Hindu Middle School, Thuthikulam in the vacancy arose due to promotion of incumbent R.Josphin Theresa. Though the Management sent proposal for approval of the petitioner's appointment on 18.06.2018, 10.01.2019 and 02.02.2020, no approval was granted and the petitioner was made to work without salary. The Educational Authority refused to grant approval for the petitioner's appointment due to G.O.Ms.No.165, School Education Department, dated 19.09.2019, in which the Government had directed that any vacancy which arose in the sanctioned post in the Private Schools shall be filled up from the list of surplus Teachers maintained by the District Educational Officer concerned.

3.The learned counsel appearing for the petitioner further submitted that G.O.Ms.No.165, School Education Department, dated



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19.09.2019, was put to challenge before the Hon'ble Division Bench of the Madurai Bench of this Court in W.A.(MD) No.76 of 2019 and the Hon'ble Division Bench of the Madurai Bench of this Court vide order dated 21.03.2021 declared G.O.Ms.No.165, School Education Department, dated 19.09.2019 as inoperative. Thereafter, the Management once again submitted proposal for approval of the petitioner's appointment on 19.05.2023 and the District Elementary Educational Officer, Tenkasi, vide proceedings dated 24.09.2024 approved the petitioner's appointment, however granted approval from the 01.03.2024 when the Management of the School redeployed surplus Teachers, by referring Government letter dated 10.05.2024 and not from the date of petitioner's appointment.

4.The learned counsel appearing for the petitioner further submitted that this Court may set aside the impugned order and remand the matter back to the respondent to consider the approval of petitioner's appointment from the date of petitioner's appointment since the petitioner's appointment was not declared as surplus at the relevant point of time and the petitioner was appointed in the vacant place that arose due to promotion of incumbent R.Josphin Theresa.



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5.The learned Special Government Pleader appearing for the respondents submitted that initially, the Educational Authority refused to grant approval for the petitioner's appointment due to G.O.Ms.No.165, School Education Department, dated 19.09.2019, in which the Government had directed that any vacancy which arose in the sanctioned post in the Private Schools shall be filled up from the list of surplus Teachers maintained by the District Educational Officer concerned and further submitted that G.O.Ms.No.165, School Education Department, dated 19.09.2019, was put to challenge before the Hon'ble Division Bench of the Madurai Bench of this Court in W.A. (MD) No.76 of 2019 and the Hon'ble Division Bench of the Madurai Bench of this Court vide order dated 21.03.2021 declared G.O.Ms.No.165, School Education Department, dated 19.09.2019 as inoperative.

6.The learned Special Government Pleader appearing for the respondents further submitted that in the present case, there is no clarity as to whether the petitioner's appointment is surplus or due to vacancy arose. Hence, this Court may set aside the impugned order and remand the matter back to the respondents and issue direction to



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the respondents to consider the matter afresh and to pass appropriate orders.

7.In view of the fair submission made by the learned Special Government Pleader appearing for the respondents, the impugned order is set aside and the matter is remanded back to the respondents for fresh consideration. The respondents are directed to consider the matter afresh and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

8.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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M.DHANDAPANI,J.
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