



W.P.(MD) No.5741 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.5741 of 2026
and
W.M.P.(MD) No.4779 of 2026

S.Mohan

... Petitioner

-VS-

- 1.The Director of School Education
DPI Campus, Chennai-6
- 2.The Chief Educational Officer
O/o.The Chief Educational Officer
Tirunelveli District
- 3.Tilak Vidyalaya Higher
Secondary School
rep.by its Secretary
Kallidaikurichi
Tirunelveli-627 416

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned Order in Ka.Se.Mu.Mu.No.5321/A4/2024 dated 18.02.2026 on the



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file of the respondent No.2 and consequential impugned order dated 20.02.2026 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction directing the respondent Nos.1 to 3 to permit to continue the petitioner as Post Graduate Assistant with all attendant service and monetary benefits within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R2

ORDER

Mr.N.Satheesh Kumar, learned Additional Government Pleader, takes notice for the respondents 1 & 2.

2. In view of the order proposed to be passed, notice to the third respondent is dispensed with.

3. With the consent of both sides, this writ petition is disposed of at the admission stage.



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4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 & 2.

5. This writ petition has been filed aggrieved by the proceedings dated 18.02.2026, issued by the second respondent, cancelling the approval granted for the petitioner's promotion to the post of P.G.Assistant, on the ground that the promotion of the petitioner to the post of P.G.Assistant was in violation of the Judgment passed by the Division Bench of this Court in W.A.No.313 of 2022 and bach, dated 02.06.2023. Consequent upon the said proceedings dated 18.02.2026, the third respondent issued the proceedings dated 20.02.2026 communicating the proceedings of the second respondent dated 18.02.2026 to the petitioner and reverting him back to the post of B.T.Assistant. Aggrieved by the said proceedings dated 18.02.2026, issued by the second respondent and the consequential proceedings dated 20.02.2026, issued by the third respondent, the present writ petition has been filed mainly on the ground that the principles of natural justice have been violated as the petitioner was not afforded with any opportunity before issuing the impugned proceedings.



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6. The sum and substance of the Judgment passed by the Division Bench of this Court in W.A.No.313 of 2022 and bach, dated 02.06.2023 is that the Teachers, who do not possess the Teachers Eligibility Test (TET) qualification, are not entitled to make claim for promotion, but they are entitled to continue in the post in which they were working as on 02.06.2023.

7. In the instant case, the petitioner claims to have acquired TET qualification as early as in the year 2013, but, in ignorance of the same, the second respondent issued the impugned proceedings dated 18.02.2026 without affording any opportunity to the petitioner. The fact that the petitioner was not afforded with any opportunity before issuing the impugned proceedings is not disputed by the learned Additional Government Pleader appearing for the respondents 1 & 2.

8. In the said circumstances, taking into consideration that fact that the petitioner is claimed to have already acquired the TET qualification as early as in the year 2013, this Court is of the considered view that this a fit case where the impugned proceedings are liable to be set aside for want of compliance of the principles of natural justice.



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9. Accordingly, this writ petition is allowed and the impugned proceedings dated 18.02.2026, issued by the second respondent and the consequential proceedings of the third respondent dated 20.02.2026 are hereby set aside on the sole ground of violation of the principles of natural justice, leaving it open to the respondents to take appropriate action, if they so desire. Consequently, the petitioner stands restored to the post of P.G.Assistant till appropriate action, if any, is taken by the respondents. No costs. Consequently, connected miscellaneous petition is closed.

03.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:

- 1.The Director of School Education,
DPI Campus, Chennai-6.
- 2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tirunelveli District.



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