



W.P.(MD) No.9007 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.9007 of 2026
and
W.M.P.(MD) No.7232 of 2026

D.Sterlin Sheela

... Petitioner

-vs-

1.The Chief Educational Officer
Thoothukudi District

2.The District Educational Officer
(Secondary Education)
Thoothukudi
Thoothukudi District

3.The District Educational Officer
Tiruchendur

4.The Correspondent
KKR High School
Paraman Kurichi
Toothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue
a writ of certiorarified mandamus calling for the records relating to the



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impugned proceedings issued by the first respondent vide impugned proceedings in Na.Ka.No.132/A3/2025, Date:15.03.2025 communicating the impugned order of the second respondent vide O.Mu.No.2855/Aa2/2023, dated 18.03.2025, quash the same in so far as it denies approval from 01.11.2018 to 01.04.2025 and further direct the first respondent Chief Educational Officer to approve forthwith the appointment of petitioner as BT Assistant Science in the fourth respondent school, namely, K.K.R.High School, Paramankurichi w.e.f. 01.11.2018 and to disburse the grant-in-aid towards her salary and other attendant benefits.

For Petitioner : Mr.Lourdu Paul Maurya

For Respondents : Mr.M.Dinesh Hari Sudarsan
Counsel for the Govt. of Tamil Nadu for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings bearing O.Mu.No.2855/Aa2/2023, dated 18.03.2025, issued by the second respondent, communicating the proceedings bearing Na.Ka.No. 132/A3/2025, dated 15.03.2025, issued by the first respondent, whereby the proposal submitted by the fourth respondent – School seeking approval of the



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appointment of the petitioner as B.T.Assistant (Science) in their School was negated by the first respondent, on the ground that there are surplus teachers working in the Corporate Management, which runs the fourth respondent – School.

2. Learned counsel for the petitioner contends that there is no mechanism provided for ascertaining the surplus staff prior to the issuance of the Government Order in G.O.(Ms) No.165, School Education Department, dated 17.09.2019 and whereas, the petitioner herein was appointed much prior to the issuance of the said Government Order. He also further brought to the notice of this Court a decision of the learned Division Bench of this Court in W.A.(MD) No.76 of 2019 etc., batch, dated 31.03.2021, in ***The Secretary to Government, Government of Tamil Nadu, School Education Department, Fort St.George, Chennai-9 & others vs. Iruthaya Amali and another***, wherein certain guidelines have been laid down for ascertaining the surplus staff and the date of the said decision is taken as the crucial date for ascertaining the surplus staff working in the Private and Minority Schools. He also brought to the notice of this Court yet another decision of the learned Division Bench of this Court in W.A.(MD) No.430 of 2026, dated 27.03.2026, in ***The District Educational Officer (Elementary), Tirunelveli District &***



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another vs. D.John Wessly and another, wherein the learned Division Bench has taken note of the decision in **Iruthaya Amali**'s case and held that the decision in **Iruthaya Amali**'s case operates prospectively from the date of the decision i.e., 31.03.2021.

3. As seen from the impugned proceedings, it is evident that the fourth respondent – School comes under a Corporate Management, wherein some B.T.Assistant Teachers were found surplus from the academic year 2018-2019 onwards and in spite of availability of the surplus staff, the fourth respondent – School chose to appoint the petitioner herein in the said vacancy, without adjusting the surplus staff working in the other schools of the Corporate Management. No doubt, the manner in which the petitioner was appointed, namely, without adjusting the surplus staff working in the other schools of the Corporate Management, itself shows the undue haste with which the fourth respondent – School appointed the petitioner as B.T.Assistant (Science) Teacher. But, as rightly pointed out by the learned counsel for the petitioner, there was no mechanism that was available prior to 31.03.2021 for adjusting the surplus staff available in the other schools of the Corporate Management, thereby making appointments to the vacancies. The said mechanism came into force admittedly on 31.03.2021. In the



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circumstances, this Court is unable to acknowledge the reason assigned in the impugned proceedings.

4. In the light of the above, the only reason assigned in the impugned proceedings that there are surplus B.T.Assistant Teachers available in the Corporate Management, which runs the fourth respondent – School, cannot be a ground while considering the approval of the appointment of the petitioner as B.T.Assistant (Science) in the fourth respondent – School prior to 31.03.2021 and therefore, the impugned proceedings cannot be sustained.

5. Accordingly, the impugned proceedings dated 15.03.2025 and 18.03.2025, issued by the first respondent and second respondent respectively, are hereby quashed. The fourth respondent – School is granted liberty to re-submit the proposal seeking approval of the appointment of the petitioner as B.T.Assistant (Science) in their School with effect from 01.11.2018 to the authority concerned. On such re-submission of the proposal by the fourth respondent – School, the authority concerned shall consider the same and pass appropriate orders for granting approval of the appointment of the petitioner as B.T.Assistant (Science) in the fourth respondent – School, without reference to the surplus B.T.Assistant Teachers



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being available under the Corporate Management, which runs the fourth respondent – School and subject to the fourth respondent – School satisfying the other relevant criteria, as expeditiously as possible, at any rate, within a period of six weeks from the date of re-submission of the proposal by the fourth respondent – School.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

16.07.2026

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

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To:

- 1.The Chief Educational Officer,
Thoothukudi District.
- 2.The District Educational Officer
(Secondary Education),
Thoothukudi,
Thoothukudi District.
- 3.The District Educational Officer,
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MUMMINENI SUDHEER KUMAR, J.

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