

W.P.(MD)No.12397 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2026

CORAM

THE HONOURABLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.12397 of 2026

G.Grenabkarunyadeepa

... Petitioner

vs.

1.The District Educational Officer (Elementary),
Tuticorin District.

2.The Block Educational Officer-II,
Tuticorin Rural Block,
Tuticorin District.

3.The Correspondent,
TNDTA Primary School,
Chinaiyapuram,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in his proceedings in Pa.Mo.No.1626/A5/2024 dated 04.07.2024 insofar as denial of approval from 31.07.2019 to 06.08.2023 and QUASH the same and direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment i.e., from 31.07.2019 with salary and all other consequential benefits.



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For Petitioner : Mr.A.Arun Prasad

For R-1 & R-2 : Mr.C.Jeganathan
Counsel for Government of Tamil Nadu

ORDER

Heard Mr.A.Arun Prasad, learned Counsel for the Petitioner and Mr.C.Jeganathan, learned Counsel for Government of Tamil Nadu for Respondents 1 and 2.

2. This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, challenging the order passed by the 1st respondent in his proceedings in Pa.Mo.No.1626/A5/2024 dated 04.07.2024 insofar as denial of approval from 31.07.2019 to 07.08.2023 and direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment i.e., from 31.07.2019 with salary and all other consequential benefits.

3. The petitioner was appointed as a Secondary Grade Teacher on 31.07.2019 and, accordingly, the 3rd respondent submitted a proposal seeking approval of the appointment of the petitioner before the 1st



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respondent. However, instead of approving the appointment of the petitioner from 31.07.2019, the 1st respondent approved the same only with effect from 07.08.2023 vide the impugned proceedings dated 04.07.2024 on the ground that there were surplus teachers available in the Management under which the 3rd respondent is functioning and, therefore, the 3rd respondent was not entitled to appoint the petitioner as a Secondary Grade Teacher without exhausting the surplus teachers available under the same Management.

4. When the matter is taken up for consideration, the learned Counsel for the petitioner brought to the notice of this Court that there was no mechanism to ascertain surplus teachers prior to 31.07.2019. Therefore, the question of the availability of surplus teachers as on the date of appointment of the petitioner, i.e., 31.07.2019, does not arise.

5. He also placed reliance upon the judgment of the Division Bench of this Court in W.A.(MD) No.76 of 2019, dated 31.03.2021, and contended that the learned Division Bench had held that the mechanism providing for ascertaining surplus teachers would operate prospectively



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from the date of the said judgment, i.e., 31.03.2021. He further contended that since the appointment of the petitioner was prior to 31.03.2021, the question of granting approval to the petitioner only on the ground of the availability of surplus staff under the same Management does not arise.

6. On the other hand, Mr.C.Jeganathan, learned Counsel appearing for the Government of Tamil Nadu for the respondents, fairly submitted that, in terms of the Division Bench judgment dated 31.03.2021 in W.A.(MD)No.76 of 2019 batch, it has been clarified that there was no mechanism available for ascertaining surplus teachers prior to 31.03.2021. Therefore, as the petitioner was appointed as a Secondary Grade Teacher prior to 31.03.2021, the petitioner is entitled to the benefit of the judgment passed by the Division Bench of this Court in W.A.(MD)No.76 of 2019 batch.

7. In the light of the above, the impugned order, which was issued solely on the ground of the availability of surplus staff under the Management of the 3rd respondent School, thereby refusing to grant approval from the actual date of appointment of the petitioner, cannot be



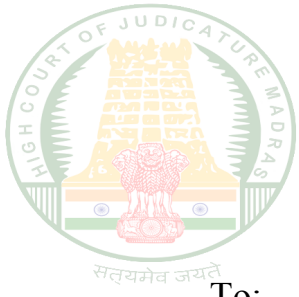
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sustained. Therefore, the impugned proceeding is **quashed** to the extent they grant approval only with effect from 07.08.2023, and the Writ Petition is allowed, directing respondents 1 and 2 to grant approval to the appointment of the petitioner as a Secondary Grade Teacher with effect from the actual date of appointment, i.e., **31.07.2019**, and to issue necessary proceedings as expeditiously as possible, at any rate, within a period of eight weeks from the date of receipt of a copy of this order, and to release all the consequential benefits.

8. Accordingly, this Writ Petition is **disposed of** in the above terms. There shall be no order as to costs.

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



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MUMMINENI SUDHEER KUMAR, J.

Nsr

Order made in
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