



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

WRIT APPEAL NO.2729 OF 2021

1.The District Elementary Educational Officer,
Virudhachalam.

2.The Block Development Officer,
Virudhachalam.

... Appellants/
Respondents 1 & 2

vs.

1.D.Ishwarya

2.The Manager,
Paneerselvam Aided Elementary School,
No.22/43, South Street,
Virudhachalam - 606 001.
Cuddalore District.

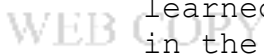
... Respondents/
Petitioner/3rd Respondent

Writ Appeal filed under Clause 15 of Letters Patent
against the order dated 14.06.2019 passed in W.P.No.8588 of 2019.

W.P.No.8588 of 2019:- Writ Petition is filed under Article 226 of
the Constitution of India, praying for issuance of a Writ of
certiorarified mandamus, to call for the entire records of the
1st respondent issued in his proceedings in NA.KA.NO.5081/A4/2018
dated 22-02-2019 quash the same and consequently direct the
Respondents to approve Petitioner's appointment with effect from
07-06-2017 with all consequential benefits.

For Appellants : Mr.K.V.Sajeev Kumar,
Government Advocate

For 1st Respondent : Mr.T.Sellapandian



(Judgment of the Court delivered by R.VIJAYAKUMAR,J.)

Challenging the order dated 14.06.2019 passed by the learned Single Judge in W.P.No.8588 of 2019, Respondents 1 and 2 in the Writ Petition have come up with the present Appeal.

2.The Writ Petitioner was appointed as a Secondary Grade Teacher after getting prior permission from the educational Authorities in a sanctioned post in the 3rd Respondent/Aided School. After appointment, the School sent a representation for approval of appointment and for release of grant, on 14.06.2017. Under the impugned order, the 1st Respondent in the Writ Petition has rejected the approval on the ground that, the strength of the School has come down and the Writ Petitioner has been appointed to a surplus post.

3. It is an admitted fact that, originally, the School had a sanctioned strength of one Headmaster and four Secondary Grade Teachers. Later, with effect from 2010 onwards, it was reduced to one Headmaster and three Secondary Grade Teachers, depending upon the strength of the students.

4. In the present case, it is an admitted fact that, the Writ Petitioner has been appointed only as a third Secondary Grade Teacher. Even as per the revised sanctioned strength, the Writ Petitioner cannot be treated as a surplus Teacher. Even assuming that, the student strength came down after appointment of the Writ Petitioner, it is incumbent upon the Authority to grant approval, then declare surplus and thereafter, deploy her to a different School and the order of rejecting the approval of her appointment is not sustainable in law.

5. The learned Single Judge has considered this issue and allowed the Writ Petition with a direction to the 1st Respondent therein to approve the appointment of the Writ Petitioner as Secondary Grade Teacher with effect from the date on which, she was originally appointed. Since the School Management obtained prior permission from the Authorities for making appointment of the Writ Petitioner and admittedly, the Writ Petitioner has been appointed only within the sanctioned strength, the impugned order rejecting the approval is not sustainable in law and the learned Single Judge has rightly allowed the Writ Petition. We do not find any ground to interfere with the order passed by the learned Single Judge.



Accordingly, the Writ Appeal fails and stands dismissed.
No costs. Consequently, connected C.M.P.No.17824 of 2021 is closed.

WEB COPY

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

(aeb)

To

1. The District Elementary Educational Officer,
Virudhachalam.
2. The Block Development Officer,
Virudhachalam.

W.A.No.2729 of 2021

PA(CO)
CS/30/11/2021