



W.A.(MD).No.2089 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.2089 of 2023
and
C.M.P.(MD).No.16790 of 2023

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.

2.The Director of School Education,
College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Dindigul,
Dindigul District.

4.The District Educational Officer,
Dindigul,
Dindigul District.

.. Appellants/Respondents

Vs.



W.A.(MD).No.2089 of 2023

The Correspondent,
Quaid-E-Milleth High School,
Dawood Mariam Nagar,
Rakakkapatty Post,
Dindigul District – 624 318.

...Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD).No.18212 of 2020 dated 02.09.2022 on the file of this Court.

For Appellants : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.D.Sadiq Raja
Additional Government Pleader

For Respondent : Mr.K.Prabhu

JUDGMENT

(Judgment of the Court was delivered by V.LAKSHMINARAYANAN,J.)

This Writ Appeal arises against the order passed in W.P.(MD). No.18212 of 2020, dated 02.09.2022.

2. The admitted case of the appellants is that the post of Secondary Grade Teacher fell vacant due to the retirement of one S.Muniyandi, who



W.A.(MD).No.2089 of 2023

was erstwhile incumbent. It is a sanctioned post and the post fell vacant with effect from 01.04.2020. The said post was upgraded as B.T. Assistant (English) and one K.Soumiya was appointed to the said post. The respondent school is a stand alone minority institution.

3. The learned Additional Advocate General appearing on behalf of the appellants also fairly submitted that there is no excess or surplus teacher in the respondent school. Being a stand alone minority institution, the respondent school had appointed one K.Soumiya as B.T.Assistant (English) on 01.04.2020. He would rely upon the judgment of this Court dated 31.03.2021 made in W.A.(MD)Nos.76 of 2019 etc., batch (***The Secretary to Government, Government of Tamil Nadu, School Education Department, Fort St.George, Chennai and others Vs. Iruthaya Amali and another***) and would invite our attention to the conclusion at paragraph No.95.

4. Reading of paragraph No.95(v) would show that insofar as the aided minority institutions, which are stand alone institutions, are concerned, right to fill vacancy was held not to be affected for the academic



W.A.(MD).No.2089 of 2023

year 2021-22. In this particular case, the appointment was made in the academic year 2019-20. Therefore, the observations made by this Court in *Iruthaya Amali's* case would not give any assistance to the appellants in this case. However, this is a case of subject conversion from Secondary Grade Teacher to B.T. Assistant (English). Therefore, subject to the approval of the authorities, approval of appointment may be considered.

5. Accordingly, the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
11.12.2023

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



WEB COPY



W.A.(MD).No.2089 of 2023

S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

Lm

W.A.(MD).No.2089 of 2023

11.12.2023