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W.P.Nos.18664 & 19273 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.10.2024**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition Nos.18664 & 19273 of 2024**  
**and WMP Nos.20469 & 21139 of 2024**

Shree G.K.Jain Higher Secondary School  
Rep.by its Correspondent  
15, 180 MS Koil St  
Pudumanaikuppam  
Royapuram  
Chennai 600 013.

.... Petitioner  
in WP.No.18664 of 2024

-Vs-

- 1.The Director of School Education  
DPI Campus, College Road  
Chennai 600 006.
- 2.The Chief Educational Officer  
Egmore  
Chennai 600 008.
- 3.The District Educational Officer  
Office of the District Education Office  
Chennai (East)  
Chennai 600 005.

.. Respondents  
in WP.No.18664 of 2024

Prayer in WP.No.18664 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2<sup>nd</sup> respondent in OO.Moo.No.3481/Aa3/2023 dated 28.2.2024 and quash the same and consequently direct the respondents to grant approval for



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appointment to I. Mrs.Rajshree to the post of BT Assistant (Social Science) with effect from 01.07.2023, II. Mrs.K.Vithya to the post of BT Assistant (Science) with effect from 03.11.2023, III. Thiru. Surya Babu B.T. Assistant(English) with effect from 03.11.2023 IV. Mrs.Saraswathy as B.T. Assistant (Tamil) with effect from 16.03.2024 with all service and monetary benefits.

S.Snegha  
D/o.Sigamani  
Secondary Grade Teacher  
Dasar's Elementary School  
Dasarpuram  
Thiruniravur-602204.

.... Petitioner  
in WP.No.19273 of 2024

-Vs-

- 1.The Director of Elementary School Education  
DPI Campus  
Chennai 600 006.
- 2.The Chief Educational Officer  
(Elementary), Ponneri
- 3.The Block Educational Officer  
Poonamallee.
- 4.The Correspondent  
Dasar's Elementary School  
Dasarpuram  
Thiruniravur-602204.

.. Respondents  
in WP.No.19273 of 2024

Prayer in WP.No.19273 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 3<sup>rd</sup> respondent in Na.Ka.No.15/AA1/2024 dated 8.1.2024 and quash the same and direct the respondents to grant approval to the petitioner to the post of



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Secondary Grade Teacher with effect from 01.12.2023 with all monetary and service benefits.

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For Petitioner : Mrs.Dakshayani Reddy  
(Both) Senior Counsel  
for Ms.S.Suneetha

For Respondents : Mrs.S.Mythreye Chandru  
(Both) Special Government Pleader

### COMMON ORDER

The issue involved in both these writ petitions are common and hence both the writ petitions are taken up together, heard and disposed of through this common order.

2.The subject matter of challenge in WP.No.18664 of 2024, pertains to the proceedings of the 2<sup>nd</sup> respondent dated 20.08.2024 and for a consequential direction to the respondents to grant approval for appointment of various teachers with effect from 16.03.2024 with all service and monetary benefits.

3.The subject matter of challenge in W.P.No.19273 of 2024, pertains to the impugned order of the 3<sup>rd</sup> respondent dated 08.01.2024 and for a consequential direction to the respondents to grant approval to the petitioner to the post of Secondary Grade Teacher with effect from 01.12.2023.



4.The main grievance that has been expressed in both these writ petitions is that the appointment of teacher has been made within the sanctioned strength and that the School is entitled to fill up those posts and whereas, the proposal submitted has been rejected on the ground that the post must be filled up deploying the surplus teachers under the same management. The main ground taken is that the School in question is a standalone School and therefore the reasoning given by the official respondents to reject the proposal is unsustainable.

5.Counter affidavits have been filed in these writ petitions. The main ground that has been taken in the counter affidavits is that as per GO.Ms.No.14 dated 13.01.2023, the deployment of surplus staff must be followed up while filling up the vacancy wherever the schools are coming under the same corporate management. In view of the same, the official respondents have justified the rejection of the proposal submitted by the School and sought for the dismissal of the writ petitions.

6.The issue that is involved in these writ petitions is squarely covered by the judgment of the Division Bench in WA(MD).Nos.76 of 2019 etc., batch dated 31.03.2021.

7.In the case in hand, the petitioner in WP.No.18664 of 2024 and the 4<sup>th</sup> respondent in WP.No.19273 of 2024 are standalone Schools. Hence paragraph 95(v)



of the Division Bench will apply to this case. For proper appreciation, the same is extracted hereunder:

*(v) Like that insofar as aided minority institutions are concerned, if it is a stand alone institution, their right of appointing a teacher in a vacancy within the sanctioned strength for the academic year 2021-22 shall not be affected because of the identified excess teachers in other schools. At the same time, even if the school is a minority institution, however being administered by a joint management or corporate management, in respect of those schools, even though vacancy arose within the sanctioned strength of such school or schools under corporate management or joint management, those vacancies shall not be filled up unless the excess staff identified in all other schools under the same corporate or joint management are exhausted fully and only after exhausting the redeployment process on all excess teachers identified in the group of schools under the same corporate management, they shall be free to make appointment afresh from open market in the vacancy if any still, within the sanctioned strength.*

8. The judgment of the Division Bench has been subsequently confirmed by the Apex Court by order dated 16.02.2024 and the matter was remanded back to this Court only insofar as sub clause (i) of Paragraph 95.

9. In view of the above, the impugned proceedings of the 2<sup>nd</sup> respondent dated 28.02.2024 in W.P.No.18664 of 2024 and the impugned proceedings of the 3<sup>rd</sup>



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respondent dated 08.01.2024 in WP.No.19273 of 2024, is hereby quashed. The petitioner in WP.No.18664 of 2024, is directed to resubmit the proposal to the 3<sup>rd</sup> respondent seeking for approval for appointment of the teachers and the 3<sup>rd</sup> respondent shall forward the same to the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent shall pass appropriate orders granting approval, if the teachers are otherwise qualified. Similarly, the 4<sup>th</sup> respondent School in WP.No.19273 of 2024, shall resubmit the proposal for the appointment of the petitioner for approval before the 3<sup>rd</sup> respondent and the 3<sup>rd</sup> respondent shall forward the same to the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent shall issue necessary proceedings granting approval, if the petitioner is otherwise qualified. The proceedings in both writ petitions shall be issued within a period of six weeks. It goes without saying that the School in question is an aided minority School and therefore, the respondents should not insist for TET qualification.

10. In the result, both the writ petitions are allowed with the above directions.

No costs. Consequently, all the connected miscellaneous petitions are closed.

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Index : Yes/No

NCS : Yes/No

KP



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*W.P.Nos.18664 & 19273 of 2027*

To

- 1.The Director of School Education  
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Egmore  
Chennai 600 008.
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Chennai (East)  
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**N.ANAND VENKATESH, J.**

KP

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