



W.P.(MD)No.651 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.651 of 2024

N.Pramila Devi

... Petitioner

vs.

- 1.The Chief Educational Officer,  
O/o.the Chief Educational Officer,  
Tiruchirapalli,  
Tiruchirapalli District.
- 2.The District Educational Officer (Secondary Education),  
O/o.the District Educational Officer,  
Tiruchirapalli,  
Tiruchirapalli District.
- 3.The Correspondent,  
Savitri Vidyasala Hindu Girl's Higher Secondary School,  
Chathiram Bus Stand Backside,  
Tiruchirapalli District.
- 4.Panchapakesan,  
The Correspondent,  
Savitri Vidyasala Hindu Girl's Higher Secondary School,  
Chathiram Bus Stand Backside,  
Tiruchirapalli District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Mandamus directing the respondents to permit



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the petitioner to discharge her duty as B.T. Assistant (Maths) in the 3rd respondent school and approve the appointment of the petitioner as B.T. Assistant (Maths) with effect from 19.04.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail,  
for M/s.Ajmal Associates

For Respondents : Mr.T.Amjadkhan,  
Government Advocate  
for R1 and R2

Mr.Raguvaran Gopalan for R3

### **ORDER**

Heard Mr.S.Mohamed Suhail, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1 and 2.

2. The petitioner has filed this petition seeking to issue a Writ of Mandamus directing the respondents to permit her to discharge her duty as B.T. Assistant (Maths) in the 3rd respondent school and approve her appointment as B.T. Assistant (Maths) with effect from 19.04.2018 within the period that may be stipulated by this Court.



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3. The petitioner has been appointed as B.T. Assistant (Maths) in the third respondent School on 19.04.2018 after getting permission from the first respondent. Even though prior permission has been obtained, approval for her appointment was rejected on 04.05.2021 by citing the reason of surplus. However, the petitioner challenged the said order by way of preferring a writ petition before this Court in W.P. (MD)No.10768 of 2021, which was allowed on 02.09.2022. The official respondents in that writ petition have taken it on appeal in W.A.(MD)No. 1778 of 2023, wherein, vide order dated 11.10.2023, this Court has granted stay for operating the orders passed in the writ petition.

4. Now the grievance of the petitioner is that even though writ appeal is pending, she was not allowed to work in the third respondent School and she should be permitted to discharge her duty as a Teacher in pursuant to her appointment on 19.04.2018. Even the third respondent has no dispute in the fact that the petitioner has been appointed by adopting due procedures and her appointment is only against the sanction issued, but only for the surplus issue, there would not be any hurdle in



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allowing the petitioner to continue to work in their School.

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5. Mr.Raguvaran Gopalan, learned counsel appearing for the third respondent submitted that the only apprehension of the third respondent School is that in the event of the writ appeal is allowed, then the liability to pay salary for the petitioner will be the responsibility of the Management and hence, the third respondent School cannot take the petitioner's service anymore.

6. If the writ appeal is dismissed and the orders passed by the single Judge is upheld, then the Government has got no other recourse except to grant approval to the appointment of the petitioner. In such case, the period during which the petitioner might be out of service would cause irreparable damage to her not only in terms of salary but also in terms of continuity of service and other attendant benefits. The interim orders passed in the writ appeal did not touch upon the appointment of the petitioner or questioned the validity of the appointment of the petitioner except the fact that the sanctioned post against which the petitioner was



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appointed is declared as surplus. Even for any extraneous reasons the post which the petitioner is occupying is held as a surplus, in view of the earlier direction given for her appointment, the petitioner can at the best be deployed to some other School and her appointment cannot be held as invalid. So, it is up to the respondents to pursue the appeal and agitate the same irrespective of the above fact.

7. The fact remains that the petitioner's services with the third respondent School is continuing service from the date of her appointment and the petitioner should not be thrown away for none of her fault. Even the third respondent School did not offer their support for the litigation faced by the petitioner against the Government. At least, the petitioner should not be given with trouble by the Management like stopping her services. To be noted, the petitioner continues to offer her services despite the third respondent School objects her engagement.

8. Mr.S.Mohamed Suhail, learned counsel appearing for the petitioner submitted that if the third respondent School apprehends about



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the grant of the petitioner's salary, she is willing to work even without salary.

9. It is learnt that the third respondent School is giving salary to some other Teachers for whom approval has not been given so far. So, the petitioner can also be treated on par with them until her appointment is approved and grant is given to the post. In such case, the petitioner will be entitled to get her arrears of salary.

10. In view of the above observations, the writ petition is **disposed of** and the third respondent School is directed to permit the petitioner to work in the School and discharge her duty as B.T. Assistant (Maths) until the approval of her appointment. No costs.

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NCC: Yes/No  
Index : Yes/No  
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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