



W.A.(MD).No.1445 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.1445 of 2024
and
C.M.P.(MD)No.11206 of 2024**

- 1.The Director of School Education,
College Road, Chennai – 600 006.
 - 2.The Chief Educational Officer,
Tiruchirapalli,
Tiruchirapalli District.
 - 3.The District Educational Officer,
Previously the DEO,
Tiruchirapalli,
Tiruchirapalli District.
 - 4.The Block Educational Officer,
Previously AAEEEO,
Trichy Urban, Trichy.
- ... Appellants

-VS-

The Correspondent,
St. Mary's Tope Middle School,
Trichirapalli-620 002,
Tiruchirapalli.

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against
the order passed by this Court in W.P.(MD)No.14505 of 2019, dated



W.A.(MD).No.1445 of 2024

02.09.2022.

WEB COPY

For Appellants

: Mr.S.P.Maharajan
Special Government Pleader

For Respondent

: Mr.K.Ragathesh Kumar
For M/s.Isaac Chambers

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Challenge is to the order of the Writ Court dated 02.09.2022, made in W.P.(MD)No.14505 of 2019, directing the respondents to approve the appointment of one A.Philomin Raj, as Secondary Grade Teacher with effect from 13.07.2015.

2.The approval was rejected on the ground that there are surplus Teachers and in view of the judgment of this Court in *Iruthaya Amali's* case, the appointments cannot be approved till the surplus is exhausted. The Writ Court after considering the issue at length, concluded that the Institution being a Standalone Minority Institution and that there was no surplus Teachers available in the Institution, allowed the Writ Petition, directing the grant of approval to the appointment of the said A.Philomin Raj to the post of Secondary Grade Teacher with effect from 13.07.2015.

3.We have heard Mr.S.P.Maharajan, learned Special Government Pleader appearing for the appellants and Mr.K.Ragathesh Kumar, for



W.A.(MD).No.1445 of 2024

M/s.Isaac Chamber, learned counsel appearing for the respondent.

WEB COPY

4.Mr.K.Ragathesh Kumar, learned counsel would draw our attention to the judgment of the Hon'ble Division Bench of this Court, in ***State of Tamil Nadu and others v Esakki Muthu and another*** dated 21.09.2023, made in **W.A.(MD)No.1557 of 2023**, wherein this Court has held that the prohibition contained in *Iruthaya Amali's* case to the effect that appointment cannot be made until District surplus is exhausted cannot be applied to appointments made prior to the judgment in *Iruthaya Amali's* case. *Iruthaya Amali* was decided on 31.03.2021. This appointment was made in 2015. Therefore, the prohibition contained in *Iruthaya Amali's* case will not be applied to the appointment of Mr.A.Philomin Raj, as Secondary Grade Teacher. Hence, we do not see any merit in the Appeal.

5.It is also brought to the notice that the District Educational Officer, Elementary Education, by its order dated 24.06.2024, had approved the appointment of the Teacher also.



W.A.(MD).No.1445 of 2024

6.The Writ Appeal therefore, fails and it is accordingly, dismissed. No

Costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

[R.S.M., J.]

[L.V.G., J.]

27.08.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Mrn/Sml



WEB COPY



W.A.(MD).No.1445 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Mrn / Sml

W.A.(MD).No.1445 of 2024
and
C.M.P.(MD)No.11206 of 2024

27.08.2024