



W.P.(MD)No.2569 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.2569 of 2024 &
W.M.P.(MD)No.2576 of 2024

The Correspondent,
St.John's Girls Higher Secondary School,
Kodaikanal - 624 101,
Dindigul District.

... Petitioner

VS.

1.The State of Tamil Nadu,
Rep. 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,
Vathalakundu,
Dindigul District.

... Respondents



W.P.(MD)No.2569 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent CEO and the fourth respondent DEO to approve forthwith the appointment of Sr.V.Karopin Mary as B.T. Assistant (History) in the petitioner School and disburse the grant-in-aid towards her salary and allowances with effect from the date of appointment i.e., 01.06.2018.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The petitioner School has filed this petition seeking to issue a Writ of Mandamus directing the third respondent and the fourth respondent to approve forthwith the appointment of Sr.V.Karopin Mary as B.T. Assistant (History) in their School and disburse the grant-in-aid towards her salary and allowances with effect from the date of appointment i.e., 01.06.2018.

2. Mr.K.Ragatheesh Kumar, learned counsel appearing for the petitioner submitted that one Sr.V.Karopin Mary was appointed as B.T.



W.P.(MD)No.2569 of 2024

WEB COPY

Assistant (History) on 01.06.2018. Subsequently, the petitioner School has sent a proposal for approval of appointment of Sr.V.Karopin Mary as B.T. Assistant (History) and the same is still pending. Hence, the petitioner has filed this petition seeking a direction to dispose the proposal by granting approval.

3. On perusal of the counter affidavit filed by the fourth respondent, it is seen that at the time of the appointment of Sr.V.Karopin Mary, there were District level surplus.

4. However, the above issue is no more a *res integra* and it has been already settled in ***W.A.(MD).No.76 of 2019 batch dated 31.03.2021*** in the case of ***The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali [Iruthaya Amali's case]***.

5. Even though no order has been passed on the proposal submitted by the petitioner School, the counter reflects the wrong



WEB COPY

understanding of the order passed in *Iruthaya Amali's case*. The position has been settled that for deployment due to surplus, the surplus in the District level cannot be taken into consideration, but, only the surplus as against the individual School or Corporate Management where the School comes under the same Corporate Management, needs to be considered.

6. The guidelines given in the *Iruthaya Amali's case*, as to how to treat the surplus in the Schools falling under the Corporate Management, can be given effect only after the Judgment has been pronounced on 31.03.2021. But the petitioner School has appointed one Sr.V.Karopin Mary as B.T. Assistant (History) as early as on 01.06.2018, during which time, even the surplus in the Management will not hinder the approval of appointment.

7. Hence, the writ petition is **disposed** and the respondents 3 and 4 are directed to consider the proposal submitted by the petitioner School for approval of appointment of Sr.V.Karopin Mary as B.T. Assistant (History) in the light of the above observations and on the



W.P.(MD)No.2569 of 2024

merits of the other aspects of the proposal and pass orders within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

26.06.2024

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

mbi

To

- 1.The 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,
Vathalakundu, Dindigul District.



WEB COPY



W.P.(MD)No.2569 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.2569 of 2024

26.06.2024