



W.A.(MD).No.644 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

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

**W.A.(MD).No.644 of 2022
and
C.M.P.(MD)No.5367 of 2022**

- 1.The Director of Elementary School Education,
D.P.I. Compound, College Road,
Chennai.
 - 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
 - 3.The District Educational Officer,
Tirunelveli District,
Tirunelveli.
 - 4.The Block Educational Officer,
Kalakkad Range,
Tirunelveli District.
- ... Appellants

-VS-

- 1.Devaprakasam
 - 2.The Correspondent,
TDTA Primary and Middle School,
Perumalkulam,
Tirunelveli District.
- ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against



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the order passed by this Court in W.P.(MD)No.8103 of 2021, dated 22.07.2021.

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For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For 1st Respondent : Mr.S.Chellapandian

JUDGMENT

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

Mr.S.Chellapandian, learned counsel takes notice for the 1st respondent.

2.The approval sought for appointment of the 1st respondent as Secondary Grade Teacher in a sanctioned post on 05.10.2017, was rejected by the authorities by order dated 13.11.2017, forcing the petitioner to approach this Court under Article 226 of Constitution of India. The Writ Court had taken note of the judgment of the Hon'ble Division Bench in W.A.(MD)Nos.76 of 2019, etc., batch, wherein it was held that the prohibition regarding the appointment to sanctioned vacancies wherever there is surplus will apply only from the date of judgment in ***Iruthaya Amali*** i.e., 31.03.2021. Admittedly, the petitioner's appointment is on 05.10.2017. Hence, the order of rejection was held to be bad.

3.We do not see any reason to interfere in the Appeal. The law on the issue is well settled. We had also followed the judgment in W.A.(MD)No.461



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of 2018, wherein it was held that there were no surplus Teachers in TDTA Management and the same has been recorded by us in W.A.(MD)No.1413 of 2024 dated 14.08.2024. Apart from the above, the principles laid down in ***Iruthaya Amali*** will squarely apply to the case on hand.

4.Hence, we do not see any reason to interfere with the order of the Writ Court. The Writ Appeal fails and it is accordingly dismissed. The appellants will calculate all the benefits payable to the 1st respondent and pay the same within a period of 12 weeks from the date of receipt of copy of this order. If the amount remains unpaid after 12 weeks, the appellants will also pay interest at 12% on the amount due from the date of which it become due till the date of payment. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
29.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn



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

Mrn

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