



W.A.(MD)No.815 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.(MD)No.815 of 2024

and

C.M.P.(MD)No.6059 of 2024

- 1.The Joint Director of Elementary School Education,
(Private School), Chennai.
 - 2.The District Educational Officer,
Periyakulam, Theni District.
 - 3.The District Educational Officer,
Virudhunagar District.
 - 4.The Block Educational Officer,
Periyakulam, Theni District.
- : Appellants

Vs.

- 1.R.Yuvaraj
- 2.The Manager of School,
Diocese of Madurai – Ramanathapuram,
Church of South India, Diocese Office,
162, East Veli Street, Madurai.



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3.The Correspondent,
U.C. Primary School,
Thenkarai,
Periyakulam, Theni District.

4.The Correspondent,
CSI Primary School, Gopalapuram,
Aruppukkottai,
Virudhunagar District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order passed by this Court in W.P.(MD)
No.10288 of 2023 dated 18.12.2023 and allow the Writ Appeal.

For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader
For Respondent No.1 : Mr.K.Vinoharan

JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

This appeal has been directed against the order dated
18.12.2023 made in W.P.(MD) No.10288 of 2023.

2.The first respondent / writ petitioner was appointed as a
Secondary Grade Teacher in the respondent school management on
13.01.2009. His appointment was also approved by the official



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authorities. Thereafter, he was transferred to the third respondent school who stood as the sixth respondent in the writ petition by order dated 11.04.2022. The said transfer also has been approved by the authorities. Accordingly, the teacher was working in the school ie., third respondent school.

3.Thereafter, for some reasons, the authorities cancelled the approval given for such transfer in the third respondent school by order dated 20.07.2022, which triggered the Management to transfer the teacher with post to the needy school ie., fourth respondent school, subsequently, by order dated 06.10.2022. The said order of transfer dated 06.10.2022 also has not been approved and a rejection order to that effect has been passed on 02.03.2023, which was challenged by the teacher before the Writ Court.

4.The learned Judge, hearing both sides disposed of the said writ petition by the impugned order dated 18.12.2023, where the learned Judge having gone through the reasons had concluded that the writ petition has to be allowed. Accordingly, he allowed the said writ petition.

5.Aggrieved over the said order, the present writ appeal has been directed at the instance of the Education Department who



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are the appellants herein.

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6. Heard the learned Counsel appearing for the parties.

7. It is the admitted fact that on 11.04.2022, transfer had been given to the teacher to the third respondent school, which was approved by the subsequent order of the education department ie., authorities concerned who are the appellants herein. Therefore, there had been no impediment for the teacher to work in the transferred school, until an order which had been passed by the authorities cancelling the approval by order dated 20.07.2022. Since such cancellation order was passed on 20.07.2022, subsequently, the management had no other option except to transfer the teacher to a needy school and that is how he had been transferred on 06.10.2022 to the fourth respondent school, where there has been a need and that is also an admitted fact.

8. In this context, learned Judge had opined that the cancellation order made on 20.07.2022, necessitated the management to transfer the teacher to the needy school, which took place. Therefore, the subsequent transfer should have also been approved and during the time between 11.04.2022 and 06.10.2022, since the teacher has been pressed into service, he is



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the period from 11.04.2022 till 20.07.2022, the teacher, no doubt is entitled to get salary.

11.In view of the aforesaid view, we feel that this writ appeal can be disposed of, by modifying the order passed to the following effect:

“that the teacher concerned is entitled to get salary for the period between 11.04.2022 to 20.7.2022. However, it is made clear that he is not entitled to get salary for the period from 21.07.2022 till 05.10.2022. From 06.10.2022, the teacher is eligible to get salary and continue to get salary, for which if any approval order is required for such transfer, such approval to be given by the appellant authorities immediately. It is open to the teacher to claim salary benefit from the Management. However, to that extent we have not expressed any opinion on the merits of such claim to be made by the teacher.”

12.To that extent, the order passed by the learned Single Judge in W.P.(MD)No.10288 of 2023 dated 18.12.2023 is modified.



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13.With the above modification, this Writ Appeal is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

04.06.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

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MR

ORDER MADE IN

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04.06.2024