



W.A.(MD).No.409 of 2024

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.409 of 2024
and
C.M.P.(MD)No.3555 of 2024**

- 1.The Secretary to the Government,
Department of School Education,
St. Fort George, Chennai.
- 2.The Director of School Education,
D.P.I. Compound,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Tenkasi – 627811, Tenkasi District.
- 4.The District Educational Officer,
Tenkasi – 627811, Tenkasi District.
- 5.The Block Educational Officer,
Keelapavoor, Pavoor Chatram – 627808,
Tenkasi District.

... Appellants

-vs-

- 1.Antony Mercy
- 2.The Manager,
Hindu Primary School,
Vellaipanaieripatti,
Mettur P.O., Tenkasi District.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.6488 of 2020, dated 07.07.2021.

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.Approval was sought for the appointment of the 1st respondent as a Secondary Grade Teacher in the 2nd respondent School, which is a stand alone Minority Institution. The appointment was made on 01.08.2019. The Block Educational Officer, Keelapavoor, rejected the claim for approval on the ground that unless the surplus Teachers in all the Schools in the District are deployed, fresh appointments cannot be approved.

3.The issue relating to surplus was considered in several subsequent judgments of this Court and it has been finally clarified that in respect of Standalone Managements, the approval can be refused, only if there are surplus Teachers in that School. In respect of Corporate Managements, the refusal can be made, if there are surplus Teachers in the Corporate



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Management in the relevant subjects. The Writ Court had taken note of the fact that the 2nd respondent School is a stand alone Minority Institution and there are no surplus Teachers in the same. The question relating to qualification in Teacher Eligibility Test has also been settled now and it has been held that the Teacher Eligibility Test is not necessary for appointment in Minority Institutions.

4. In view of the same, we do not see any reason to interfere in the Writ Appeal. The Writ Appeal fails and it is accordingly, dismissed. The appellants will pay all the salaries and other benefits along with early increments payable to the 1st respondent within 12 weeks from the date of receipt of copy of this order. If the amount is not paid within 12 weeks, the appellants will pay 12% interest on the salary 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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L.VICTORIA GOWRI, J.

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