



WP(MD) No.13757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13757 of 2023
and WMP(MD)No.11567 of 2023

D.Manonmani Victoria

.. Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli.

2. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

3. The Manager,
TDTA Primary and Middle Schools,
St.Johns College Hostel Campus,
North High Ground Road,
Palayamkottai,
Tirunelveli District.

4. The Pastorate Chairman and Correspondent,
TDTA Primary and Stc Middle School,
Ambasamudram,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of

India, praying this Court to issue a Writ of Certiorarified Mandamus, to

1/6



WP(MD) No.13757 of 2023

call for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.0070/A1/2022 dated 13.12.2022 and quash the same and consequently direct the respondents 1 and 2 to approve the appointment of the petitioner and pay the salary and all service benefits within the time frame fixed by this Court.

For Petitioner : Mr.N.Vignesh

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R1 & R2

: Mr.P.P.Alwin Balan
for R3 & R4

ORDER

Heard Mr.N.Vignesh, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader and Mr.P.P.Alwin Balan, learned counsel for the respondents 3 &4.

2. The petitioner has filed this writ petition seeking Writ of Certiorarified Mandamus, to quash the impugned order passed by the 2nd respondent in Na.Ka.No.0070/A1/2022 dated 13.12.2022 and consequently direct the respondents 1 and 2 to approve the appointment



WP(MD) No.13757 of 2023

of the petitioner and pay the salary and all service benefits within the specified time.

3. The 4th respondent School is an aided minority institution and comes under the same Corporate Management. The petitioner who has been appointed as Secondary Grade Teacher with effect from 08.03.2021 in the vacancy arose due to the promotion of one Mrs.J.Grace Packiavathy subject to the approval of the authorities concerned. However, subsequent to the issuance of the appointment order, the said Grace Packiavathy had relinquished her promotion as Headmistress. As the petitioner did not have any vacancy to be accommodated, his earlier appointment order was cancelled. Subsequently, one vacancy has arisen due to the transfer of one Rose Anita, who was working as Secondary Grade Teacher and thereafter the petitioner has been appointed on 15.09.2021. When the School authorities sent the proposal for approval of the appointment, the said proposal was rejected stating that the petitioner's appointment can be approved after the deployment of the surplus teachers working in the schools which come under the same Corporate Management is done.



WP(MD) No.13757 of 2023

WEB COPY

4. As per the guidelines issued by the Division Bench of this Court in its judgment passed in W.A.(MD)No.76 of 2019 etc., 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, if the school comes under the same Corporate Management then the whole of the Corporate Management schools should be considered as one unit and only after deploying the surplus vacancies available in any of the schools coming under the same Corporate Management, the management can go for any fresh appointments. As on the date when the petitioner was appointed there were lot of vacancies in the same Corporate Management. In the impugned order it is stated that there are 3 surplus teachers post were available in the 4th respondent school. If at all the respondents consider to grant approval to the petitioner's appointment that can be given only after the 3 surplus teachers available under the same management as on date of his appointment, were deployed.

7. The learned counsel for the petitioner submitted that as on today there is no surplus post in the cadre of Secondary Grade Teacher.



WP(MD) No.13757 of 2023

WEB COPY

In such case, the respondent shall reconsider the proposal for granting approval to the appointment of the petitioner atleast from the day when there was no surplus available under the same Corporate Management under which the petitioner school comes and pass orders in this regard within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is **disposed of**. No Costs. Consequently, connected miscellaneous petition is closed.

21.06.2024

Index : Yes / No
NCC : Yes / No
PJL

To

1. The Chief Educational Officer,
Tirunelveli.

2. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

5/6



WEB COPY



WP(MD) No.13757 of 2023

R.N.MANJULA, J.

PJL

W.P.(MD)No.13757 of 2023
and
WMP(MD)No.11567 of 2023

21.06.2024