



W.A(MD)No.1510 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

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CORAM:

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

**W.A(MD)No.1510 of 2024
and
C.M.P(MD)No.11737 of 2024**

1.The State of Tamil Nadu,
Represented 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,
Sivagangai,
Sivagangai District.

4.The District Educational Officer,
(Secondary Education),
Devakottai,
Sivagangai District.

... Appellants/Respondents

-vs-

The Correspondent,
De Britto Higher Secondary School
Devakottai – 630 303,
Sivagangai District.

... Respondent/Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
dated 20.12.2023 made in W.P(MD)No.29868 of 2023.

For Appellants : Mr.S.P.Maharajan,
Special Government Pleader



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For Respondent : Ms.Ruby Mash for
M/s.Isaac Chambers

JUDGMENT

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

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Aggrieved by the order of the Writ Court, dated 20.12.2023 made in W.P(MD)No.29868 of 023, the State is on appeal.

2. Challenge is to the order directing approval of appointment of one Thiru.A.Vijayakumar as B.T.Assistant (History) with effect from 01.08.2019 in the respondent school. The said Vijayakumar was appointed as B.T. Assistant (History) in a vacancy that occurred due to the promotion of the incumbent as a Post Graduate Teacher. The authorities refused to grant approval on the ground that G.O.(Ms)No.165, School Education (tho.Ka. 2(1)) Department, dated 17.09.2019, prohibits approval of appointments in aided schools till the surplus teachers are exhausted.

3. Admittedly, the respondent school is a stand-alone minority institution. This Court had repeatedly held that process of deployment of surplus teachers would not prevent a minority institution from appointing teachers if there are no surplus teachers in that institution. All that the Writ Court done is to direct the Department to follow the said dictum and to grant approval, if the subject post comes within the staff fixation for the relevant academic year 2019-2020. It will also be open to the Department to check whether the incumbent possessed the necessary qualification. We



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therefore do not see any ground to interfere with the order of the writ court.

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3. The writ appeal fails and it is accordingly dismissed. No Costs.

Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

03.09.2024

NCC :Yes/No

Index :Yes/No

Internet:Yes

PM

To:

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pm

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