



W.A.(MD).No.2200 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.2200 of 2024
and
C.M.P.(MD)No.15454 of 2024**

- 1.The Chief Educational Officer,
Tirunelveli District.
 - 2.The District Educational Officer,
Tirunelveli District.
- ... Appellants

-vs-

- 1.L.Innocent Antoniyal
 - 2.The Correspondent,
Chief Jesus Girls' Higher Secondary School,
Palayamkottai,
Tirunelveli District.
- ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.11102 of 2023, dated 11.12.2023.

For Appellants	: Mr.S.P.Maharajan Special Government Pleader
For 1 st Respondent	: Mr.V.Panneer Selvam



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JUDGMENT

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

Mr.V.Panner Selvam, learned counsel takes notice for the 1st respondent.

2.The challenge before the Writ Court is for refusal to approve the appointment of the 1st respondent as BT Assistant in the 2nd respondent School.

3.The first respondent was appointed as a BT Assistant (History), by the Management on 12.06.2019. The approval was sought for the said appointment. The same was rejected, by the order impugned in the Writ Petition on 11.04.2022, on the ground that there are surplus Teachers in the Aided Schools, this was challenged. Before the Writ Court, it was contended that though the 2nd respondent School belongs to Corporate Management, there were no BT Assistant in History as surplus Teacher. Therefore, the refusal of approval is bad. The Writ Court accepted the said contention and also took note of the fact that having refused approval to the 1st respondent, the Government has re-deployed certain Teachers in History from another School. No doubt, re-deployment has to be done, if there are surplus Teachers but such re-deployment must be done prior to the Management exercises its right of appointing a Teacher. If a Teacher



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had already been appointed, the authorities cannot refuse approval and thereafter resort to re-deployment. Once it is shown that the appointment is to a sanctioned post and there were no surplus Teachers, the refusal of approval cannot be sustained. We are informed that the order directing approval has been implemented as early as on 16.08.2024, subject to the result of the Writ Appeal.

4.Hence, the Writ Appeal is dismissed. 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

To

- 1.The Chief Educational Officer,
Tirunelveli District.
- 2.The District Educational Officer,
Tirunelveli District.



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