



W.A(MD)No.1785 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

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

**W.A(MD)No.1785 of 2024
and
C.M.P.(MD)No.13611 of 2024**

1.The Chief Educational Officer,
Office of the Chief Educational
Officer,
Thoothukudi District.

2.The District Educational Officer,
Office of the District Educational
Officer,
Thoothukudi District.

... Appellants / Respondents 1 & 2

-vs-

1.V.Janet Swerna Rubi

...1st Respondent / Writ Petitioner

2.The Correspondent,
St. Mary's Girls Higher
Secondary School,
Sawyerpuram,
Thoothukudi District.

... 2nd Respondent / 3rd Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 19.12.2023 in W.P.(MD)No.30205 of 2023.

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



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JUDGMENT

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

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The appeal is at the instance of the state, aggrieved by the order of the writ Court quashing the order of the 2nd appellant dated 03.08.2020, returning the proposal for approval of the appointment of the 1st respondent herein in the 2nd respondent school.

2. The 1st respondent was appointed as a Sewing Teacher on 01.11.2018. The 2nd respondent which is a minority institution sought for approval. The 2nd appellant returned the application on the ground that there are surplus teachers and till such time the surplus is exhausted or till such time the surplus teachers are redeployed, the appointment of the 1st respondent in the 2nd respondent school cannot be approved. The writ Court relied upon the decisions of this Court in W.P.(MD)No.1321 of 2020 which was confirmed in W.A.(MD)No.81 of 2022 wherein the very issue relating to approval of appointment of Sewing Teachers was considered, the Division Bench had held that if there is a single teacher and the post is a sanctioned post, there cannot be any question of surplus and the authorities cannot reject the approval or refuse the approval on the ground that there is surplus.

3. We have also followed the said legal position in W.A.(MD)No.228 of 2023 and have upheld similar orders of this Court directing approval by



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our order dated 22.08.2024. In the light of the settled legal position, we are unable to fault the writ Court for having allowed the writ petition.

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4. The Writ Appeal, therefore, fails and it is accordingly, dismissed. The authorities will approve the appointment of the 1st respondent with effect from her initial date of appointment within a period of eight (8) weeks from today. It is also made clear that the arrears of salary payable to the 1st respondent shall be paid within a period of twelve (12) weeks with interest at 6 percent per annum from the date of filing of the writ petition, that is, 10.12.2023, till the date of payment. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

15.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Sml

To

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