



W.A(MD) No.1935 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A(MD) No.1935 of 2021

and

C.M.P.(MD)No.8596 of 2021

- 1.The Director of School Education,
D.P.I.Campus, College Road,
Chennai-600 006.
 - 2.The Joint Director of School Education (Higher Secondary)
DPI Campus, College Road,
Chennai-600 006.
 - 3.The Chief Educational Officer,
Tenkasi Educational District,
Tenkasi.
 - 4.The District Educational Officer,
Sankarankovil Educational District,
Sankarankovil.
- ... Appellants / Respondents

Vs

- 1.K.Rekha Rani
- 2.The Stella Maris Higher Secondary School,
Rep. by its Secretary,
Stella Maris Higher Secondary School,

1/4



W.A(MD) No.1935 of 2021

Sivagiri,
Tenkasi District.

... 2nd Respondent / 5th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Order dated 05.07.2021 made in W.P.(MD)No. 5536 of 2021 and allow the writ appeal.

For Appellants : Mr.V.Om.Prakash
Government Advocate
For Respondents : Mr.D.Nallathambi
for R1

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner / R1 herein was appointed as BT Assistant (Maths) in the Stella Maris Higher Secondary School, Sivagiri. Proposal was submitted to the District Educational Officer, Sankarankovil for approval of the appointment. The proposal was returned vide proceedings dated 22.02.2021 on the ground that there were surplus teachers and that the vacancy caused as a result of the retirement of one



W.A(MD) No.1935 of 2021

Jeyaram / incumbent on 31.05.2019 should be filled up by redeploying those surplus teachers. Challenging the said order, the appointee filed W.P.(MD)No.5536 of 2021. The writ petition was allowed vide order dated 05.07.2021. Challenging the same, this intra-court appeal has been filed.

3. It is true that in W.A.(MD)No.76 of 2019 decided on 31.03.2021 ([The Secretary to Government & others Vs. Iruthaya Amali & another](#)), it was held that if there are surplus teachers, the vacancies in the district will have to be filled up only by redeploying them. But then, in this case, appointment was made on 01.06.2019. Stella Maris Higher Secondary School, Sivagiri is not coming under the corporate management. It is a stand alone institution. Therefore, the order impugned in the writ appeal is sustained. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
27.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

3/4



WEB COPY



W.A(MD) No.1935 of 2021

G.R.SWAMINATHAN, J.
AND
R.POORNIMA, J.

rmi

W.A.(MD) No.1935 of 2021

27.11.2024