



W.A.(MD).No.1739 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

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

**W.A.(MD).No.1739 of 2024
and
C.M.P.(MD)No.13310 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 – 600 009.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
Tirunelveli Town,
Tirunelveli District.

... Appellants

-VS-

The Correspondent,
Amali Girls Higher Secondary School,
Irudayakulam,
Vickramasingapuram,
Tirunelveli District.

... Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.24731 of 2023, dated 28.11.2023.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For Respondent : Ms.A.Amala

JUDGMENT

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

Ms.A.Amala, learned counsel takes notice for the respondent.

2.This Court has taken the consistent view that the approval of appointment of Teachers would depend on existence of surplus in the School, if it is a Standalone Minority School or in the Schools run by the Corporate Management, if it is a Corporate Management. The order impugned in the writ petition discloses total non application of mind on the part of the authorities concerned. They have merely cited the Government letter dated 04.12.2019 and rejected the proposal for approval. The Writ Court has rightly set aside the same and directed approval to be given with effect from 01.06.2018 with all attendant benefits. We do not find any ground to interfere in the order of the Writ Court. Hence, the Writ Appeal is dismissed.



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3.Now it is brought to our notice that the appointment has been approved with effect from 01.06.2018, by the proceedings of the Chief Educational Officer, Tirunelveli, dated 01.08.2024. The appellant will pay the salary payable to the Teacher with interest at 6% per annum from the date of which it accrues till the date of payment. Such payment will be made within a period of 8 weeks from the date of receipt of copy of the order. It will be open to the authorities to recover the interest paid from the Officers, who are responsible for passing the order impugned in the Writ Petition. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
03.10.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn



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and
L.VICTORIA GOWRI, J.

Mrn

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