



W.A(MD)No.1776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM :

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

**W.A(MD)No.1776 of 2024
and
C.M.P(MD)No.13589 of 2024**

1. The Director of School Education,
College Road,
Chennai-600 006.

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

3. The District Educational Officer,
Tirunelveli,
Tirunelveli District.

... Appellants

vs.

1. S Jenifer Wills

2. The Correspondent,
TDTA St. Andrew's High School,
Koodankulam,
Tirunelveli District.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 03.11.2023 in W.P(MD)No.24884 of 2023.



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For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For R1 : Mr.A.Ajith Geethan
For R2 : Mr.P.P.Alwin Balan

JUDGMENT

(Judgement of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge is to the order of the Writ Court directing the appellants to approve the appointment of the 1st respondent / writ petitioner as B.T Assistant (English) in the 2nd respondent school. The 1st respondent was appointed as B.T. Assistant in English on 04.06.2018 in the vacancy that arose due to the promotion of one S.Joy Mercy Rathamani on 02.06.2018. When the Management sought for approval of the appointment, the same was rejected by the educational authorities on the ground that there is a ban order thereby driven the 1st respondent to approach this Court. The Writ Court found that G.O.Ms.No.165, School Education Department, dated 17.09.2019, will operate only prospectively from 17.09.2019. The appointment in this case was made on 04.06.2018 in a vacancy that arose on 02.06.2018. The promotion of Joy Mercy Rathamani was also approved on 28.12.2018 with effect from 02.06.2018. Therefore, on 04.06.2018, when the 1st respondent was appointed, there was a sanctioned vacancy and hence, the appellants were not justified in rejecting the approval. We do not find any ground to interfere with the order of the Writ Court.



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2. Mr.S.P.Maharajan, learned Special Government Pleader appearing for the appellants would contend that the appointment made even before the approval of the promotion of Joy Mercy Rathamani as B.T. Assistant (Tamil) is bad.

3. We are unable to accept the said submission. It is a common knowledge that the Education Department either sits over the approval indefinitely or rejects approval on flimsy grounds driving the private management and teachers appointed therein to this Court. Such number of cases in the Madurai Bench is increased by the Government by filing frivolous appeals even in cases where the law is settled by the Division Bench judgments of this Court.

4. The non approval of the promotion of Joy Mercy Rathamani cannot be a ground to reject approval or deny approval for the appointment of the 1st respondent. The promotion of Joy Mercy Rathamani as B.T. Assistant (Tamil) has been approved on 28.12.2018 with effect from 02.06.2018. Therefore, the contention of the learned Special Government Pleader cannot be accepted. The authorities were alive to the fact that such contention will not hold water. That is the precise reason why they cited the ban order and rejected



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approval. We, therefore, see no reason to interfere with the order of the Writ Court. The Writ Appeal fails and it is accordingly dismissed. The authorities will pay the salary and other monetary benefits due to the 1st respondent within a period of eight weeks from the date of receipt of a copy of this judgment along with 6% interest on the salary from the date on which it became due till date of payment. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
04.10.2024

Index : No
Neutral Citation : No
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JUDGMENT MADE IN
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