



W.A(MD)No.228 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

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

**W.A(MD)No.228 of 2023
and
C.M.P(MD)No.2762 of 2023**

The District Educational Officer,
Cheranmahadevi,Tirunelveli District. ... Appellant/ 1st
respondent

-VS-

1.Anden Helena ... 1st Respondent/Writ Petitioner

2.The Correspondent,
St. Antony Higher Secondary School,
Kalyanipuram, Karuthapillaiyur,
Tirunelveli District. ... 2nd respondent/2nd respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the
order dated 09.12.2021 made in W.P(MD)No.2313 of 2018.

For Appellant	:	Mr.S.P.Maharajan, Special Government Pleader
For R-1	:	Mr.G.Prabhu Rajadurai for Mr.D.Venkatesh
For R-2	:	Mr.M.P.Senthil



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JUDGMENT

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

The order of the writ Court setting aside the order rejecting approval of the appointment of the first respondent as Sewing Teacher in the second respondent School is under challenge.

2. Though it is vehemently contended that the students strength does not permit appointment of a Sewing Teacher since it is below 250, we are unable to accede to the submission of the learned Special Government Pleader because this Court had repeatedly held that in a case of a single Teacher that too a Sewing Teacher in a Girls School which is held to be mandatory, the students strength does not really count. While doing so, the Division Bench of this Court in **Chief Educational Officer, Virudhunagar District and another vs. D.Gnana Theepa Rani and another(W.A(MD)No.675 of 2024, dated 15.04.2024)**, has held as follows:

“8.The post of Pre-Vocational Instructor is a stand alone post, that has been sanctioned for the second respondent School and that the single post in the subject Sewing is compulsory for the girl students. Without a single Teacher, the girl students cannot be thought in the said subject. Even when there is any vacancy in staff fixation strength, it can



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be done only in respect of Teachers for general subjects and that it could be adjusted between Secondary Grade Teacher, BT Assistant and PG Assistant, but, however, in so far as the special Teachers are concerned, particularly, like the post of Sewing Teacher, Physical Instructor and so on, these posts are sanctioned only due to the fact that atleast single Teacher is compulsorily required to teach the students on the special subjects. Therefore, the contention that since students strength had fallen below 250 in number and therefore, even the single post could be rendered as surplus, cannot be accepted for the simple reason that without any Teacher for the special subjects, the girl students, who are studying in the School, cannot be thought, which has been taken note of by several orders by the other Division Benches and invariably directions have been issued to the State to approve those posts, which has been filled up in the sanctioned post.”

3. In view of the above categorical pronouncement of the Division Bench wherein the judgment of another Division Bench **State of Tamil Nadu and others vs S.Ranganayagi and another (W.A(MD)No.1207 of 2016)** is relied on, we do not see any reason to interfere with the order of the learned single Judge. The writ appeal fails and it is accordingly, dismissed. The appointment of the first



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respondent shall be approved and all monetary benefits shall be paid to her within a period of twelve weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

22.08.2024

NCC :Yes/No
Index :Yes/No
Internet:Yes
PM

To:

The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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