



W.A.(MD)No.54 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.A.(MD)No.54 of 2024
and C.M.P.(MD)No.625 of 2024

1.The District Educational Officer,, Valliyoor,
Tirunelveli District.

2.The Block Educational Officer, Kalakad,
Tirunelveli District.

... Appellants

Vs.

1.R.Arul Fathima Selvi

2.The Correspondent,
St. Xavier's Middle School,
Xavierpuram,
Kalakad, Tirunelveli District.

... Respondents



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WEB COURT

PRAYER : Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P.(MD)No.6882 of 2019, dated 02.09.2022.

For Appellants : Mr.D.Sadiq Raja,
Addl. Govt. Pleader

For Respondents : Mr.V.Paneerselvam for R1

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

This Writ Appeal has been filed as against the order passed by this Court in W.P.(MD)No.6882 of 2019, dated 02.09.2022.

2. This Writ Appeal is taken up for final disposal at the admission stage itself.

3. According to the appellants, the Writ Court has passed the final orders in a batch of cases by interfering with the order of the Authority by rejecting the approval of appointment in favour of the Teachers. Challenging the said order,



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several Writ Appeals have been filed before the Division Bench of this Court and the said Writ Appeals also came to be allowed by this Court.

4. The learned Additional Government Pleader appearing for the appellants submits that the first respondent herein has filed a Writ Petition challenging the order of the 2nd appellant, wherein the proposal submitted for approval of the appointment of the first respondent herein was returned. In the returned order, it has been stated that one post of Secondary Grade Teacher is surplus as per the staff fixation report for the year 2017-2018 and therefore, they cannot approve the appointment of the first respondent. However, without considering the said fact, the learned Single Judge through the common order has allowed the Writ Petition, directing the appellants to approve the appointment of the first respondent. He further submits that the said fact was not discussed by the learned Single Judge in the aforesaid order, therefore, the Writ Petition can independently be decided by the learned Single Judge. Hence, seeks for setting aside the order passed by the Writ Court.



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6. In the light of the submissions made by both sides, the order passed by the learned Single Judge is set aside and the matter is remitted back to the learned Single Judge to decide the Writ Petition afresh. The learned Single Judge is directed to decide the Writ Petition afresh and pass appropriate orders after hearing both sides on merits and in accordance with law.

7. In view of the above, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

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