



W.A.(MD)No.2261 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.2261 of 2024

and

C.M.P.(MD)No.15803 of 2024

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai – 600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

: Appellants

Vs.



W.A.(MD)No.2261 of 2024

1.M.R.Deepthi Evans

WEB COPY

2.Higher Secondary School,

Rep. by its Chairman and Correspondent,

Arumanai – 629 151,

Kanyakumari District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 14.03.2024 in W.P.(MD)No. 16121 of 2020.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondent No.1 : Mr.M.Saravanan
For Respondent No.2 : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

JUDGMENT

[Judgment of the Court was delivered by **M.S.RAMESH, J.**]

Challenge is made to the order of the learned Single Judge dated 14.03.2024 in W.P.(MD)No.16121 of 2020.

2.It is not in dispute that the second respondent school is a minority stand alone institution. The case of the appellants before the Writ Court was that when the authorities had declared 6 B.T.



W.A.(MD)No.2261 of 2024

Assistant [Science] teachers as surplus, the school ought not to have appointed the first respondent herein to the said post but rather ought to have deployed one of the surplus teachers in the said vacancy.

3. Learned Single Judge has placed reliance on paragraph No.95(v) of the decision of the Coordinate Bench of this Court in W.A.(MD)No.76 of 2019 dated 31.03.2021 and had allowed the writ petition. As per the said judgment, when an aided minority institution is a stand alone institution, their right to fill up a vacancy will not be affected merely on the presence of surplus teachers.

4. In the instant Appeal, the learned Additional Government Pleader would submit that when 6 B.T.Assistant (Science) teachers have been declared surplus, the respondents ought to have appointed one of the surplus teachers in the vacancy for the post of P.G. Assistant Physics. It is submitted by the learned Counsel appearing for the school that all the 6 B.T.Assistant (Science) teachers who have been declared as surplus possess the qualification of B.Sc., B.Ed., whereas the qualification prescribed for the vacant post of P.G. Assistant Physics is M.Sc., in Physics with B.Ed., degree. Since none of the surplus teachers had possessed required essential qualification for the post of P.G.



W.A.(MD)No.2261 of 2024

Assistant, they were constrained to appoint the first respondent herein to the said post.

5.We are of the view that the school is justified in taking such a stand. When there is no bar for an aided minority institution which is a stand alone institution to fill up the vacancy even when excess teachers are identified in their schools and when the surplus teachers declared by the authorities did not possess the required qualification, they could not have accommodated one of these teachers to the vacant post of P.G. Assistant. In view of the above, the stand taken by the appellants is not justifiable. Hence, there are no merits in this Writ Appeal.

6.Accordingly, this Writ Appeal fails and the same is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]

07.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



W.A.(MD)No.2261 of 2024

To

1.The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Director of School Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai – 600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Thiruvattar,
Kanyakumari District.



WEB COPY



W.A.(MD)No.2261 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

JUDGMENT MADE IN
W.A.(MD)No.2261 of 2024

07.11.2024