



W.A.(MD).No.1775 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.1775 of 2024  
and  
C.M.P.(MD)No.13576 of 2024**

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

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

... Appellants

-VS-

1.S.Antony Rajitha

2.The Correspondent,  
St. Aloysius Middle School,  
Soundarapandiapuram,  
Tirunelveli District.

... Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.16004 of 2022, dated 02.09.2022.

|                                |                                                  |
|--------------------------------|--------------------------------------------------|
| For Appellants                 | : Mr.S.P.Maharajan<br>Special Government Pleader |
| For 1 <sup>st</sup> Respondent | : Mr.Ajith Geetham                               |



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## JUDGMENT

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

Mr.Ajith Geetham, learned counsel takes notice for the 1<sup>st</sup> respondent.

2.The Department is on Appeal, challenge is to the order of the Writ Court, directing approval of appointment of the first respondent, S.Antony Rajitha as BT Assistant (Science) in the second respondent School. The first respondent was appointed as a BT Assistant in the second respondent School in the vacancy that arose consequent upon promotion of one Alphonsa as Headmistress. The application for approval was returned by the Department on the ground that since Mrs.Alphonsa, the promoted Teacher, was working as BT Assistant (Tamil) the said post cannot be filled up by a Science Teacher. When the return was put to challenge before the Writ Court, the Writ Court found that the premise or the reason for return of the proposal is not in tune with several pronouncements of this Court. The Writ Court also referred to judgments of the Hon'ble Division Bench of this Court in **Chief Educational Officer, Tirunelveli and another v. S.Josephin Vijaya and another** and **A.Franklin Raj v. The Chief Educational Officer, Tirunelveli and others**. We, therefore, find no merit in the appeal as the issue is already settled by this court in favour of



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the respondents.

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3.However, Mr.S.P.Maharajan, learned Special Government Pleader would contend that since it is only an order of return, the learned Single Judge should have remitted the matter to the authorities instead of directing grant of approval.

4.Since the issue is settled by the Hon'ble Division Bench, we do not see any need for remand. Hence, the Writ Appeal is dismissed. The authorities will issue proceedings approving the appointment within a period of eight weeks from the date of receipt of copy of this order. All monetary benefits payable to the Teacher, namely, the first respondent shall be paid within a period of 12 weeks from the date of receipt of copy of the order with interest at 6% from the date, on which the monetary benefits were due to be paid, if the appointment has been approved with effect from the date of appointment. 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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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

Mrn

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