



W.A.(MD) No.1661 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

W.A.(MD) No.1661 of 2024

Mrs.Mangalarani

... Appellant

Vs.

1.The District Educational Officer,
O/o. District Educational Officer,
Tirunelveli.

2.The Block Educational Officer,
Manur Range, Manur,
Tirunelveli.

3.T.D.T.A. Primary School,
Rep. through Correspondent,
Alagiapadiyapuram,
Manur Taluk,
Tirunelveli District.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the judgment dated 19.06.2024 made in W.P.(MD) No.23237 of 2023.

For Appellant : Mr.G.Thalaimuthurasu

For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader



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J U D G M E N T

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

The appellant is aggrieved by the dismissal of the Writ Petition, wherein the order refusing approval for the appointment of the appellant as the Secondary Grade Teacher in the third respondent school was the subject matter of challenge.

2. The Writ Court, having found that the very post itself was not sanctioned, upheld the order refusing approval.

3. Heard Mr.G.Thalaimuthurasu, learned counsel for the appellant, and Mr.S.P.Maharajan, learned Special Government Pleader for the first and second respondents.

4. While conceding that the post is not sanctioned, the learned counsel for the appellant submits that, because of the increase in student strength, the school has appointed the appellant as a Secondary Grade Teacher to cater to the needs of the students.



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5. If there is any increase in student strength, the school will have to seek re-fixation of staff strength and thereafter seek a sanctioned post.

Without doing so, the school cannot, straightaway, appoint a person to a non-sanctioned post and seek approval for the appointment and payment of salary. We, therefore, do not find any reason to interfere with the impugned order of the Writ Court. This Writ Appeal fails. However, it will be open to the third respondent Management to seek an increase in staff strength and also to obtain sanction for the post.

6. In the result, this Writ Appeal is dismissed. No costs.

R.S.M., J. S.M., J.
23.09.2024

Index: Yes
Neutral Citation: Yes
Non-Speaking Order

JEN

Copy to:

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