



W.A(MD)No.101 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

WEB COPY

CORAM :

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

**W.A(MD)No.101 of 2022
and
CMP(MD)No.1047 of 2022**

1. The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

2. The District Educational Officer,
Thoothukudi, Thoothukudi District.

... Appellants

vs.

1. M.Nimodhas

2. The Correspondent,
St.Mary's Boys Higher Secondary School,
Millerpuram-628 008,
Thoothukudi District.

... Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.10432 of 2021 dated 23.06.2021.

For Appellants	: Mr.S.P.Maharajan Special Government Pleader
For R1	: Ms.A.Amala
For R2	: Mr.V.Panneerselvam



W.A(MD)No.101 of 2022

JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

WEB COPY

The department is on appeal aggrieved by the directions issued by the Writ Court in W.P(MD)No.10432 of 2021, directing the department to pay salary to the 1st respondent for the period between 27.03.2018 and 21.12.2018, during which, she had worked as a substitute for Tmt.J.Selvi, B.T Assistant (Maths) who went on maternity leave.

2. The entitlement of the school to appoint the teacher as substitute if the incumbent goes on maternity leave, is not in dispute. The sole ground on which the appointment of the 1st respondent was not approved is that there was a surplus teacher in the school during the relevant period. Staff fixation for the year 2016-2017 has been produced which shows that the school was sanctioned four Graduate Teachers and one Secondary Grade Teacher for Maths. For the academic year 2017-2018, the school was sanctioned four Graduate Teachers and two Secondary Grade Teachers for Maths.

3. Though it is claimed that there was a surplus, the proceedings of staff fixation for the relevant period demonstrates that there was no surplus in the school. The staff fixation done for the year 2017-2018 discloses that there was only one surplus teacher for Maths that too in the Secondary Grade



W.A(MD)No.101 of 2022

vacancy. Admittedly, the person who went on maternity leave namely, Tmt.Selvi was a Graduate Teacher and hence, there was no surplus in the Graduate Teacher vacancy. Therefore, we see no merit in the appeal. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
26.09.2024

Index : Yes / No
Neutral Citation : Yes / No
bala

To

1. The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
2. The District Educational Officer,
Thoothukudi, Thoothukudi District.



WEB COPY



W.A(MD)No.101 of 2022
R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

bala

JUDGMENT MADE IN
W.A(MD)No.101 of 2022
DATED : 26.09.2024