



W.P.(MD).No.24473 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24473 of 2024

and

W.M.P.(MD) Nos.20797 and 20798 of 2024

A.Little Therese
Drawing Teacher,
Little Flower Girls Higher Secondary School,
Ramanputhur,
Nagercoil – 629 004,
Kanyakumrai District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.
2. The Director of School Education,
College Road, Chennai – 600 006.
3. The Chief Educational Officer,
The Office of the CEO,
S.L.B.South Road,
Nagercoil, Kanyakumari District – 629 001.



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4. The District Educational Officer,
The Office of the DEO,
S.L.B South Road,
Nagercoil,
Kanyakumari District – 629 001.

5. The Correspondent,
Little Flower Girls Higher Secondary School,
Ramanputhur,
Nagercoil – 629 004.
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the fourth respondent District Educations Officer in O.Mu.No.2589/A3/2023, dated 29.04.2024, quash the same and further direct the respondents 3 and 4 to approve forthwith the appointment of the petitioner as Drawing Teacher in the fifth respondent School w.e.f 10.06.2015 and disburse grant-in-aid towards her salary and other attendant benefits.

For Petitioner : Ms.S.Amala Irudhaya Mary

For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a Drawing Teacher appointed in the fifth respondent School challenging the order passed by the



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fourth respondent wherein the request of the School Management for approving her appointment has been rejected.

2. The petitioner was appointed as a Drawing Teacher in the fifth respondent School on 10.06.2015 and the proposal was forwarded by the Management to approve her appointment. Under the impugned order dated 29.04.2024, the proposal has been rejected primarily on the ground that the fifth respondent School being under a Corporate Management, there is a surplus Drawing Teacher in another School falling within the Corporate Management.

3. According to the learned counsel appearing for the writ petitioner, the post of Drawing Teacher in the fifth respondent School is a single sanctioned post and that apart, the Drawing Teacher post in Mullankinavilai School cannot be considered to be surplus, because that is also a single sanctioned post. Therefore, the petitioner had sought to quash the order and to approve her appointment from the date of her initial appointment.



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4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 had contended that when there are surplus teachers in any one of the Schools falling under the Corporate Management, without deploying those teachers to the fifth respondent School, the appointment of the writ petitioner cannot be approved.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. It is not in dispute that the fifth respondent School is a minority institution administered by a Corporate Management. The post of Drawing Teacher is a single post sanctioned to the school. Therefore, the said post can never be treated as surplus. Even assuming that the Drawing Teacher is declared to be surplus in another School within the Corporate Management, unless it is established that there are two teachers in the Mullankinavilai School, the same cannot be treated as surplus. As long as a single post is sanctioned, the said post can never be treated as surplus.



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7. Considering the fact that the petitioner has been appointed as a Drawing Teacher, the said work cannot be taken up either by Secondary Teacher or by B.T.Assistant Teacher. In such circumstances, the order impugned in the writ petition does not stand the scrutiny of law and the same is liable to be set aside.

8. In view of the above said facts, the order impugned in the writ petition is set aside and the writ petition stands allowed. The fourth respondent is directed to forward the files to the third respondent. The third respondent is directed to grant approval to the appointment of the writ petitioner with effect from 10.06.2015 within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

27.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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College Road, Chennai – 600 006.
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Nagercoil, Kanyakumari District – 629 001.
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R.VIJAYAKUMAR,J.

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