



W.A.(MD).No.2248 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2248 of 2024
and
C.M.P.(MD).No.15702 of 2024

1.The District Educational Officer (Elementary),
Tirunelveli District.

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

... Appellants/Respondents 1 & 2

Vs.

1.S.Joshephine Julia,
No.A-53, 5th Cross Street,
NGO A Colony,
Jawahar Nagar,
Palayamkottai,
Tirunelveli District.

... 1st Respondent/Writ Petitioner

2.The Correspondent,
St.Joseph Primary School,
Jawagar Nagar,
Tirunelveli District.

... 2nd Respondent/3rd Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 30.04.2024 in W.P.(MD).No.10715 of 2024 and allow the Writ Appeal.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondents : Mr.V.Panneerselvam

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order passed by the learned Single Judge in W.P.(MD).No.10715 of 2024 dated 30.04.2024.

2. On the ground that there are surplus teachers in the corporate management of the second respondent's school, their request for approval of appointment has been rejected, which order was put to challenge before the learned Single Judge.



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3. By placing reliance on the decision of the Co-ordinate Bench of this Court in a batch of cases in the case of ***the Secretary to Government, Government of Tamil Nadu School Education Department, Fort St.George, Chennai – 9 Vs. Iruthaya Amali*** [W.A.(MD).No.76 of 2019 etc., batch dated 31.03.2021], the learned Single Judge had allowed the Writ Petition and directed the appellants to consider the approval of appointment of the concerned teacher as Secondary Grade Teacher. The order of the Writ Court is assailed in this intra-court appeal.

4. The issue as to whether the educational authorities are empowered to reject the approval of appointment of a teacher in a minority school on the ground that there are surplus teachers in the other schools in the corporate management, has already been dealt with by this Court in several decisions including the decision in *Iruthaya Amali's* case. One such decision was by a co-ordinate Bench of this Court in the case of the ***Chief Educational Officer, Tirunelveli District and another Vs. A.X.Mino and another*** passed in ***W.A.(MD).No.1855 of 2024 dated 16.10.2024***. By placing reliance upon the decision in *Iruthaya Amali's* case, the learned Single Judge had held that the educational authorities cannot reject the



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application seeking for approval of appointments on this ground. In this background, we do not find any reason to interfere with the order of the learned Single Judge and the same stands confirmed.

5. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
04.11.2024

NCC : Yes / No
Index : Yes / No
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