



W.A.(MD)No.1645 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS.JUSTICE VICTORIA GOWRI**

**W.A.(MD)No.1645 of 2024
and
C.M.P(MD)No.12903 of 2024**

1.The Director of School Education,
College Road, Chennai – 600 006.

2.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3.The District Educational Officer,
Kuzhithurai,
Kanyakumari District

... Appellants/Respondents

vs.

The Correspondent,
St. Josephs Higher Secondary School,
Vizhuthayambalam
Kanyakumari District

... Respondent/Writ Petitioner

PRAYER: Writ Petition filed under Clause 15 of the Letters Patent challenging the order dated 02.09.2022 made in W.P.(MD)No.6409 of 2021.



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For Appellants

: Mr.S.P.Maharajan
Special Government Pleader

J U D G M E N T

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

Challenge is to the order of the writ court in W.P(MD)No. 6409 of 2021, wherein a direction is issued to the Government to approve the appointment of Tmt.Leema Rose as a Graduate Teacher in the respondent school with effect from the date of her appointment namely 03.07.2017. The said Leema Rose was appointed in the vacancy caused by the retirement of Tmt.J.Jayanthi Jini, who had worked as the Secondary Grade Teacher in the respondent school. The said post of Secondary Grade Teacher was upgraded as a Graduate Teacher by virtue of G.O.(Ms.)No.79, School Education Department, dated 14.06.2002.

2. The approval was mainly rejected on the ground that there were surplus teachers at the fixation of staff strength for the years 2017-2018 and 2018-2019. The teacher was appointed on 03.07.2017 i.e the period upto 31.08.2017. Therefore, the question of surplus during the subsequent period cannot be taken



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into account for approval of appointment, which was done during the earlier period. The writ court had also come to the conclusion that the upgradation of the post of Secondary Grade Teacher under G.O.(Ms.)No.79, School Education Department, dated 14.06.2002, is automatic and it does not require prior approval of the education authorities. The other ground on which the approval sought to be refused is that the respondent school has not followed the subject wise rotation in appointing a Graduate Teacher even that has been held inapplicable to private minority institution and hence we do not see any reason to interfere with the order of the learned single Judge. The writ appeal fails and the same is dismissed. The appellant shall pay all the monetary benefits payable to the teacher within a period of eight weeks from the date of receipt of a copy of this order. No costs.

(R.S.M., J.) (L.V.G., J.)
27.09.2024

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