



W.A.No.3585 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.3585 of 2025

1. The Director of Elementary Education
College Road, Chennai – 600 006.
2. The District Educational Officer
Vellore.
3. The Block Educational Officer
Katpadi, Ranipet District. .. Appellants

Vs.

Sri Shanmugananda Aided Primary School
Rep. By its Manager, Dr. Kotteswaran
Vallimalai, Ranipet District – 632 520. .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order made in W.P.No.13760 of 2021 dated 15.11.2023.

For the Appellants : Mr.S.Yashwanth
Additional Government Pleader

For the Respondent : Mr.S.N.Ravichandran

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order
passed by the Writ Court dated 15.11.2023 made in W.P.No.13760
of 2021.



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2. The respondent was the writ petitioner. It is an Aided recognized Primary School, who appointed a Secondary Grade Teacher in the School in the sanctioned vacancy, which was not approved despite a request having been made in this regard. Therefore, challenging the said order of rejection made in this regard by the District Educational Officer, the School has approached the Writ Court by filing the said writ petition seeking to quash the same and to approve the appointment of the Teacher called one *R.Elakkiya* as Secondary Grade Teacher at the writ petitioner School with effect from 17.02.2021. The said writ petition, in fact, was allowed by the learned Judge through the order impugned.

3. Though as against the order impugned, the present intra-Court appeal has been directed at the instance of the appellant Education Department, today, when the writ appeal is taken up for hearing at the admission stage, the learned Additional Government Pleader appearing for the appellants would submit that, during the *interregnum*, that is before moving this writ appeal, the order passed by the Writ Court dated 15.11.2023 has been complied with and in support of his contention, he has produced a communication issued by the second appellant herein, that is the



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District Education Officer of Primary Education dated 21.06.2024, thereby, the appointment made to the Teacher concerned with effect from 17.02.2021 has been approved.

4. Though an attempt has been made by the learned Additional Government Pleader appearing for the appellants to still assail the order which is impugned herein, we are not impressed with the same for the reason that, the original rejection order that has been made for approving the appointment of the Teacher concerned was only on the ground of surplus Teacher, but, it is brought to our notice by the learned counsel appearing for the respondent School that, it was only a two Teacher School, therefore, the question of any excess Teacher theory does not arise in this case.

5. Assuming that if any excess Teacher is found by the appellant Department on the basis of the Teacher-People ratio, it is always open to the Department to find out such excess Teacher and redeploy the concerned Teacher to the needy School. That kind of guidelines have already been issued by a number of orders passed by this Court, based on which, mandatory guidelines also have been issued by the Government, which is already in vogue.



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6. When that being the position, since the only reason cited for not approving the Teacher itself is no more available, since the school itself is a two Teacher School and the appointment is now approved by the order dated 21.06.2024, we do not find any reason to interfere with the order impugned.

7. As a result of which, the appeal fails and hence it is liable to be dismissed, accordingly, it is dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.29503 of 2025 is closed.

(R.S.K., J.) (S.S.A., J)
01.12.2025

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No

(drm)



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R. SURESH KUMAR, J.
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SHAMIM AHMED, J.

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