



W.P.No.8267 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 09.12.2025**

**CORAM:**

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.8267 of 2024**

S.Jebamalar

... Petitioner

Vs.

- 1.The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
- 2.The Joint Director of School Education (Aided),  
DPI Campus, College Road,  
Chennai-600 006.
- 3.The Chief Educational Officer,  
Tenkasi,  
Tenkasi District.
- 4.The District Educational Officer,  
Tenkasi,  
Tenkasi District.
- 5.The Block Educational Officer,  
Tenkasi,  
Tenkasi District.
- 6.The Correspondent,  
T.D.T.A. Primary and Middle School,  
Holy Immanuel Parsonage,  
Athisayapuram,  
Rajagopalaperi, Tirunelveli District-627 861.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings issued by the fourth respondent by proceeding Na.Ka.No.1856/A4/2023 dated 15.12.2023 and to quash the same and consequently directing the respondents to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the sixth respondent school, from the date of appointment on 06.04.2017, with all consequential and attendant benefits including the payment of salary from the date of appointment along with interest, within a time frame as fixed by this Court.

For Petitioner : Mr.S.Sarath Chandran

For Respondent : Mrs.S.Mythreye Chandru. SGP  
Nos.1 to 5

### ORDER

Challenging the proceedings of the fourth respondent in Na.Ka.No.1856/A4/2023 dated 15.12.2023, the present Writ Petition has been filed. Further, the petitioner has sought for a direction to the respondents to approve her appointment in the post of Secondary Grade Teacher (SGT) in the sixth respondent school, from the date of appointment on 06.04.2017, with all consequential and attendant benefits, including the payment of salary from the date of appointment along with interest, within a time frame as fixed by this Court.



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2. Heard both sides.

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3. The gist and kernel of the case is as follows:

3.1. Pursuant to the retirement of one R.Raviselvaraj, the petitioner was appointed as SGT in the sixth respondent school on 06.04.2017 and thereafter, the school had forwarded the necessary proposal for her appointment approval on 15.09.2017 and subsequently, sent reminders on 15.03.2019, 07.12.2020 and 14.06.2023 by enclosing all material evidences to the respondents educational department, however, no order was passed. Hence, the petitioner filed a Writ Petition before this Court in W.P.No.27417 of 2023, to direct the respondents to approve her appointment in the post of SGT in the sixth respondent school from the date of appointment on 06.04.2017, made prior to G.O.Ms.165 dated 17.09.2019. However, the appointment of the petitioner was approved from 20.04.2023 vide proceedings dated 09.07.2024 by granting the aid with effect from 20.04.2023. The petitioner made representation to the respondents to have retrospective effect from 06.04.2017. The fourth respondent vide proceedings dated 15.12.2023, rejected the petitioner's representation stating that surplus teachers working in other schools of the corporate management has to be exhausted by way of deployment and therefore, the petitioner's appointment cannot be approved from the date of her appointment.

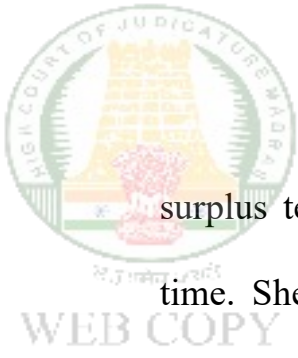


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Aggrieved by the same, the present Writ Petition has been filed for approval of the petitioner's appointment with retrospective effect from the date of her appointment i.e., from 06.04.2017.

4. The learned counsel for the petitioner submitted that admittedly, in the year 2016-2017, one post was vacant due to the retirement of one Raviselvaraj and in that vacancy, the petitioner was appointed on 06.04.2017 and her approval cannot be denied citing G.O.Ms.No.165, School Education Department dated 17.09.2019, which came into force only in the year 2019. He added that even otherwise, the petitioner is entitled for approval of her appointment from the date of the issuance of the said G.O. and furthermore, it is pertinent to note that the said G.O. was also quashed and hence, citing the said G.O. is unsustainable in the eye of law. Hence, he prayed this Court to allow the Writ Petition.

5. Per contra, the learned Special Government Pleader appearing on behalf of the official respondents submitted that the petitioner was appointed in the surplus teachers post and her appointment was ratified subject to conditions on 09.07.2024, that grant-in-aid would be sanctioned from 20.04.2023 after exhaustion of surplus teachers in corporate management. She continued that the appointment of the petitioner during 2016-2017 as 36



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surplus teachers, where her appointment was not required at that point of time. She added that the issue of redeploying the surplus teachers to the needy school, had been dealt with by the Madurai Bench of this Court in W.A.(MD) No.76 of 2019 on 31.03.2021, wherein it has held that only after exhausting the redeployment process on all excess teachers identified in the group of schools under the same corporate management, they shall be free to make appointment afresh from open market in the vacancy if any still, within the sanctioned strength and submitted that if the petitioner's prayer is entertained, then there will be increase in surplus teachers and contended that the management ought to have transferred the surplus teachers to the needy schools instead of making fresh appointments. Hence, she prayed to dismiss the petition.

6. This Court have considered the rival submissions made by the respective counsels and also perused the materials available on record.

7. Admittedly, the sixth respondent school is an Aided Minority School and the said school is coming under the Corporate Management. There are several schools run by the sixth respondent and the petitioner is working in one among them. It is undisputed that the petitioner was appointed in the vacancy that arose due to the superannuation of one



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Raviselvaraj and in the said post, the petitioner was appointed on 06.04.2017

and thereafter, the school has sent the proposal of approval of her appointment to the respondent educational authorities. Since no order was passed, the petitioner filed W.P.No.27471 of 2023 for approval of her appointment and thereafter, the petitioner's appointment was approved vide proceedings dated 09.07.2024 with effect from 20.04.2023. It is to be noted that there are surplus teachers in the year 2016-2017, 2017-2018 to the extent of 36 and 48 respectively. There is a conflicting view between the Corporate Management and the Educational Authorities to redeploy the surplus teachers to the needy schools and the Corporate management cannot retain the surplus teachers on their own. Actually, the petitioner's appointment was approved from 20.04.2023 vide order dated 09.07.2024 after exhausting the surplus posts, which cannot be interfered.

8. For the foregoing reasons, the Writ Petition stands dismissed. There shall be no orders as to costs.

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Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP



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M.DHANDAPANI.J.

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