



WEB COPY



W.A.No.2190 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM :

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HON'BLE MR.JUSTICE K.SURENDER

W.A.No.2190 of 2025
and C.M.P.No.16751 of 2025

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.

2.The District Educational Officer (Elementary),
Salem, Salem District.

3.The Block Educational Officer,
Yercaud,
Salem District-636 602.

.. Appellants

vs

1.J.Diwan Issac

2.The Correspondent,
Danish Mission Elementary School,
Yercaud, Salem District-636 601.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 26.07.2024 passed by the learned Single Judge in W.P.No.6595 of 2024.



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For Appellants : Mr.UM.Ravichandran
Spl. Government Pleader

For Respondents : Mr.S.Nedunchezhiyan
for respondent No.1

: Mr.M.Vignesh Raj
for respondent No.2

JUDGMENT

(Delivered by *R.SUBRAMANIAN, J.*)

Refusal of the approval of appointment of teacher in the second respondent school [fourth respondent in the writ petition] was the subject-matter of challenge in the writ petition.

2. The learned Single Judge found that the appointment having been made prior to 17.09.2019, the rejection of approval on the basis of G.O.Ms.No.165, dated 17.09.2019 is improper, in view of the authoritative pronouncement of a Division Bench of this Court in the case of ***Secretary to Government, Government of Tamil Nadu, School Education Department, Chennai and others v. Iruthaya Amali and another***, reported in ***(2021) SCC OnLine Mad 1285***. On



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the said conclusion, the learned Single Judge allowed the writ petition directing the approval of appointment. It is, this order, which is the subject-matter of challenge in this appeal.

3. A Division Bench of this Court, to which one of us [R.Subramanian,J.] was a party, in W.A.No.576 of 2025, dated 11.03.2025, had considered a similar issue and held that in view of the pronouncement in **Iruthaya Amali** (supra), the appointment made prior to 17.09.2019 will have to be approved *de hors* there being surplus teachers under the Corporate Management.

4. Hence, the writ appeal fails and, it is, accordingly, dismissed. Eight weeks' time from today is granted to the appellants to comply with the order passed by the learned Single Judge. There shall be no order as to costs. Consequently, connected civil miscellaneous petition is closed.

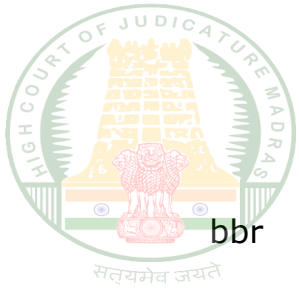
(R.SUBRAMANIAN, J.)

(K.SURENDER, J.)

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