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W.A.No.2144 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 2144 of 2023
and CMP No.18296 of 2023

1. The State of Tamil Nadu,
Rep. by its Secretary,
Education Department,
Fort. St. George, Chennai 600 009.

2. The District Elementary Educational Officer,
Cuddalore District,
Cuddalore.

3. The Block Educational Officer,
Panruti, Cuddalore District.

...Appellants

Vs.

1. Dhaveethu

2. The Central Manager and Chairman.
D.M.Elementary and Higher Elementary Schools,
ALC Central Office,
9, ALC Campus, Cuddalore 607 001.



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3. The Correspondent,
D.M.Elementary and Higher,
Elementary Schools,
Panruti, Cuddalore District 607 106.

4. The Headmaster,
D.M. Elementary and Higher
Elementary Schools, Panruti,
Cuddalore District 607 106.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in WP No.28352 of 2021 dated 08.09.2022.

For Appellant : Mr.U.M. Ravichandran
Special Government Pleader

For Respondent : Mr.K.Thilageswaran, for R1

J U D G M E N T

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

Aggrieved by the Mandamus issued to approve the appointment of
the petitioner in the Writ Petition as Secondary Grade Teacher in the fourth
respondent School, the Government is on Appeal.



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2. The Authorities refused to approve the appointment on the ground that there are surplus Teachers in the District. On challenge the order impugned was set aside. Despite such order having been passed in Writ Petition No.20047 of 2021, the Authorities failed to approve the appointment resulting in the first respondent/petitioner approaching this Court again in Writ Petition No.28352 of 2021, seeking a Writ of Mandamus. The said Writ Petition has been allowed by the learned Single Judge.

3. We have heard Mr.U. M. Ravi Chandran, learned Special Government Pleader appearing for the appellant and Mr.K.Thilageswaran, learned counsel appearing for the first respondent.

4. Though Mr.U.M.Ravi Chandran, learned counsel would contend that as per G.O.Ms.No.165 dated 17.09.2019 fresh appointment cannot be approved unless surplus teachers are subsumed. This Court has held that the said Government Order will be only prospective in its operation and it



will not affect appointment made prior to 17.09.2019.

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5. In view of the same, we are unable to fault the learned Single Judge for having allowed the Writ Petition. The Writ Appeal fails and it is accordingly **dismissed**. The Authorities are granted eight (8) weeks time to accord approval to the appointment of the first respondent. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
02.04.2025

jv

Index : Yes/No
Neutral Citation : Yes/No
Speaking order/Non Speaking order

To

1. The Secretary to Government,
Govt. of Tamil Nadu,
Education Department,
Fort. St. George, Chennai 600 009.

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2. The District Elementary Educational Officer,
Cuddalore District,
Cuddalore.

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Panruti, Cuddalore District.

4. The Central Manager and Chairman.
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and
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jv

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