



W.P.Nos.16732 of 2024 and 7786 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.Nos.16732 of 2024 and 7786 of 2025**

**and**

**W.M.P.Nos.18383, 18384, 41295 of 2024 and 8742 and 13355 of 2025**

**W.P.No.16732 of 2024:-**

1. J.V.Madhan Raj (Late)
2. T.Mehala
3. Johnselvaraj
4. Melvina (Minor)  
represented by Natural Guardian T.Mehala
5. Mathew Yeshuraj (Minor)  
represented by Natural Guardian T.Mehala  
(P2 to P5 are substituted as per order  
dated 31.10.2025 in  
W.M.P.No.46779 of 2025  
in W.P.No.16732 of 2024)

... Petitioners

-Vs-

1. The Director,  
Directorate of Elementary Education,  
College Road, Chennai – 600 006.
2. District Educational Officer (Elementary),  
District Educational Office,  
Virudhachalam 606 001.
3. Block Educational Officer,  
Block Education Educational Office,



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Nallur.

4. Danish Mission Elementary School,  
Represented By Its Correspondent,  
P.E. Ponneri,  
Pennadam 606 111.
5. Arcot Lutheran Church,  
Represented By The Secretary,  
Church Board, Bharathi Road,  
Cuddalore.

...Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of second respondent in proceedings Na.Ka.No.284 / A4 / 2023 dated 25.09.2023 and quash the same and consequently directing the Respondents 1 to 3 to approve the petitioner appointment in the 4<sup>th</sup> respondent school as Secondary Grade Assistant Teacher and pay the arrears of the petitioner's salary, emoluments, and other service benefits from the date of the petitioner's appointment i.e., 18.11.2016.

|                 |                                                        |
|-----------------|--------------------------------------------------------|
| For Petitioners | : Mr.S.Nedunchezhiyan                                  |
| For R1 to R3    | : Mrs.S.Mythreye Chandru<br>Special Government Pleader |
| For R4 and R5   | : Ms.Aishwarya S.Nathan                                |

**W.P.No.7786 of 2025:-**

J.Prema Anitha

... Petitioner

-Vs-

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



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2. The District Educational Officer (Elementary),  
Virudhachalam,  
Cuddalore District.
3. The Block Educational Officer,  
Nallur, Cuddalore District.
4. The Correspondent,  
Danish Mission Elementary School,  
Pe Ponnerai, Pennadam,  
Cuddalore District.
5. The Headmaster,  
Danish Mission Elementary School,  
Pe Ponnerai, Pennadam,  
Cuddalore District.
6. Paramasivam (In Personal Capacity),  
District Educational Officer (Elementary),  
Virudhachalam,  
Cuddalore District.
7. Ramesh (In Personal Capacity),  
Block Educational Officer,  
Nallur, Cuddalore District.
8. Augustine (In Personal Capacity),  
Correspondent, Danish Mission Elementary School,  
Pe Ponnerai, Pennadam,  
Cuddalore District.

...Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 2<sup>nd</sup> Respondent vide Na.Ka.No.185/Aa4/2023, dated 30.10.2024 and quash the same and



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consequently Direct the 2<sup>nd</sup> Respondent to approve the appointment of the petitioner as a secondary Grade Teacher in the 4<sup>th</sup> Respondent with effect from 21.01.2019 with all consequential monetary benefits.

|                |                                                        |
|----------------|--------------------------------------------------------|
| For Petitioner | : Mr.S.N.Ravichandran                                  |
| For R1 to R3   | : Mrs.S.Mythreye Chandru<br>Special Government Pleader |
| For R4 and R5  | : Ms.Aishwarya S.Nathan                                |

### **COMMON ORDER**

W.P.No.7786 of 2025 has been filed challenging the order passed by the second respondent dated 30.10.2024, thereby rejecting the proposal sent by the fourth respondent for approval of the petitioner's appointment to the post of Secondary Grade Teacher in the fourth respondent School with effect from 21.01.2019.

2. W.P.No.16732 of 2024 has been filed challenging the order passed by the second respondent dated 25.09.2023, thereby rejecting the proposal sent by the fourth respondent for approval of his appointment to the post of Secondary Grade Teacher in the fourth respondent School.

3. The fourth respondent School is an Aided Religious Minority Institution. It was sanctioned with four teachers, including one Headmaster.



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During the academic year 2016-2017, the second respondent found that two Secondary Grade Teacher posts as surplus, on account of short fall of student strength. Therefore, the fourth respondent had deployed one Prema Gnana Sowanthri as a Secondary Grade Teacher to another School in the same cadre. While being so, the petitioner in W.P.No.16732 of 2024 was appointed as a Secondary Grade Teacher on 21.11.2016, in the place of the deployed Teacher without any vacancy in the fourth respondent School. Further, it was not a sanctioned post. Therefore, the proposal sent by the fourth respondent for approval of the appointment of the petitioner in W.P.No.16732 of 2024 was rejected by an order dated 08.12.2019. Thereafter, another vacancy arose in the post of Secondary Grade Teacher on 01.06.2018 in the fourth respondent School, due to the retirement of one D.Iyappan Joseph Jayakumar. During the academic year 2018-2019, the student's strength was increased to 71 and as such, the fourth respondent School is entitled to have three posts. In the said posts, the petitioner in W.P.No.7786 of 2024 was appointed and she had joined the School on 21.01.2019. After her appointment, the fourth respondent submitted a proposal to the second respondent for approval of her appointment. However, the second respondent returned the proposal for want of certain compliance. After rectifying the same, the fourth respondent re-submitted the



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proposal, but it was rejected by the second respondent on 08.12.2019, on the ground that the fourth respondent School is entitled only for three posts as per the student's strength. It was challenged before this Court in W.P.No.1251 of 2020. Simultaneously, the petitioner in W.P.No.16732 of 2024 also filed a writ petition in W.P.No.2119 of 2020 challenging the rejection order of approval dated 08.12.2019.

4.This Court, by an order dated 16.06.2022 in W.P.No.1251 of 2020 directed the second respondent to re-consider for approval of the appointment of the petitioner in W.P.No.7786 of 2025. However, once again the second respondent rejected the proposal by an order dated 30.11.2022. It was also challenged in W.P.No.727 of 2023 and this Court, by an order dated 05.07.2023 directed the second respondent to re-consider the proposal for approving the appointment of the petitioner. However, once again the second respondent rejected the proposal and it was also challenged before this Court in W.P.No.25187 of 2023 and the same was allowed by an order dated 02.02.2024. Aggrieved by the same, the respondents preferred writ appeal in W.A.No.2599 of 2024. The Hon'ble Division Bench of this Court directed the second respondent to pass orders, if the said proposals satisfy the norms prescribed for



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such appointment and as per the Rules, within a period of twelve weeks. It was also rejected by the order impugned in W.P.No.7786 of 2025.

5. A perusal of the counter filed by the second respondent and also on the submissions made by the learned Special Government Pleader appearing for the respondents 1 to 3 reveals that though this Court on three occasions set the order of rejection, finally, the approval of the appointment of the petitioner was rejected on the ground that he was appointed in the surplus post and there was no vacancy. During first three rounds of rejection, it was on various grounds. Therefore, this Court had set aside the rejection order and ordered to reconsider the proposal submitted by the fourth respondent for approval of the appointment of the petitioner in W.P.No.7786 of 2025.

6. According to the petitioner in W.P.No.7786 of 2025, she was appointed as a Secondary Grade Teacher in the vacancy of the said D.Iyappan Joseph Jayakumar. There was no vacancy in the fourth respondent School for the post of Secondary Grade Teacher. As per the student's strength, she was appointed in the surplus post. At the time of sending proposal for approval, the fourth respondent must ensure that there is no surplus Teachers working in the



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Schools run by the fourth respondent Management. However, the fourth respondent failed to send any proposal with such details. In fact, the Division Bench of this Court directed the second respondent to consider the proposal sent by the fourth respondent provided it satisfies the norms prescribed for such appointment and as per the Rules. Therefore, the proposal sent by the fourth respondent was rightly rejected by the second respondent.

7. On instructions, the learned Special Government Pleader appearing for the respondents 1 to 3 in W.P.No.7786 of 2025 submitted that a vacancy arose in the year 2023 in the post of Secondary Grade Teacher. Therefore, the appointment of the petitioner in W.P.No.7786 of 2025 can be approved from the date of creation of vacancy in the year 2023 as a Secondary Grade Teacher.

8. In view of the above, the fourth respondent in W.P.No.7786 of 2025 is directed to submit a fresh proposal to approve the appointment of the petitioner in W.P.No.7786 of 2025 from the date of creation of vacancy in the year 2023 with all required documents, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent in W.P.No.7786 of 2025 is directed to approve the appointment of the petitioner in



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W.P.No.7786 of 2025 to the post of Secondary Grade Teacher from the date of which the vacancy arose in the fourth respondent School, within a period of eight weeks thereafter.

9. With the above directions, W.P.No.7786 of 2025 is disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.

10. Insofar as W.P.No.16732 of 2024 is concerned, the sole petitioner died and the legal heirs of the deceased petitioner are substituted as petitioners.

11. The deceased petitioner in W.P.No.16732 of 2024 was appointed as a Secondary Grade Assistant Teacher in the fourth respondent School without any vacancy in the surplus post. Two Secondary Grade Teachers were found surplus in the fourth respondent School as per the staff fixation statement for the academic year 2016 to 2017. The appointment of one J.Prema Gnanasoundari was transferred from the fourth respondent School to another School under the same cadre. Therefore, it cannot be considered as an eligible vacancy for filling up the said post. Transfer from one School to another School under the same management cannot be considered as a new permanent vacancy. Further, there



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are only 27 Teachers identified as surplus in the 2017-2018 and 26 Teachers were identified surplus in the year 2018 to 2019. Therefore, if there are any surplus teachers to be found in various Schools under the same Management, then a vacancy in any of such Schools should only be filled by transferring those surplus persons.

12. Therefore, the appointment of the petitioner in W.P.No.16732 of 2024 was not approved by the second respondent and this Court finds no infirmity or illegality in the order passed by the second respondent in W.P.No.16732 of 2024 and the writ petition is devoid of merits and is liable to be dismissed.

13. Accordingly, W.P.No.16732 of 2024 is dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

31.10.2025  
(2/2)

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



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To

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Directorate of Elementary Education,  
College Road, Chennai – 600 006.
2. District Educational Officer (Elementary),  
District Educational Office,  
Virudhachalam 606 001.
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4. The Correspondent,  
Danish Mission Elementary School,  
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Arcot Lutheran Church,  
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**G.K.ILANTHIRAIYAN. J.**

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