



WEB COPY

W.A.No.2862 of 2024



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

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

**W.A.No.2862 of 2024
and
C.M.P.No.21084 of 2024**

1.The Director of School Education,
DPI Buildings, College Road,
Chennai - 6.

2.The Chief Educational Officer,
Thirupattur.

3.The District Educational Officer,
Thirupattur.

...

Appellants

versus

1.E.Sujatha,
Record Clerk,
Hindu Higher Secondary School,
Karumbur Village and Post,
Thuthipet - 635 811.

2.Hindu Higher Secondary School,
Rep. by its Secretary,
Karumbur Village and Post,
Thuthipet - 635 811.

...

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.22177 of 2023 dated 31.01.2024.



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

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For Respondents : Mr.S.N.Ravichandran - R1
Mr.B.Gopalakrishnan - R2

JUDGMENT

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

Aggrieved by the order in W.P.No.22177 of 2023 dated 31.01.2024,
the State is on appeal.

2. The writ court had while quashing the order dated 30.06.2023 impugned in the writ petition rejecting the approval of the appointment of the first respondent as a Record Clerk in the second respondent School, had directed the Government to approve the appointment.

3. The main contention of the appellants was that on the date when the approval was taken up, the student strength in the school was below the required limit and therefore, the approval was rejected. The writ court found that the first respondent was appointed in a vacancy to the sanctioned post that arose in the year 2018-2019 merely because the approval was taken up a little later, the appellants cannot reject the approval.



4. Once it is found that the school had enough students at the time when the appointment was made, rejection of approval on the ground that the student strength has gone down in the subsequent years cannot be justified.

5. Hence, we do not find any merit in the Writ Appeal. The Writ Appeal therefore fails and it is accordingly **dismissed**. The appellants will disburse the salary due to the first respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (G.A.M., J.)
01.04.2025

Speaking order

Index : No

Neutral Citation : No

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To

1. The Director of School Education,
DPI Buildings, College Road,
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2. The Chief Educational Officer,
Thirupattur.

3. The District Educational Officer,

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Thirupattur.

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W.A.No.2862 of 2019





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W.A.No.2862 of 2024



R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

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W.A.No.2862 of 2024
and
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01.04.2025