



WEB COPY

W.A.No. 576 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

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

W.A.No. 576 of 2025
and
C.M.P.No. 4655 of 2025

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

2. The District Educational Officer,
Cuddalore District.

3. The Block Education Officer II,
Cuddalore.

... Appellants

Vs.

1.Christilda Shageela Rani

2. The Correspondent,
Danish Mission Elementary School,
Vilvarayanatham,
Cuddalore.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.03.2024 made in W.P.No.3821 of 2023.



WEB COPY

W.A.No. 576 of 2



For Appellants : Mr.U.M.Ravichandran
Special Government Pleader
For Respondent : Mr.S.Sarath Chandran and
Mr.S.Nedunchezhiyan for R1
. R2 - No Appearance

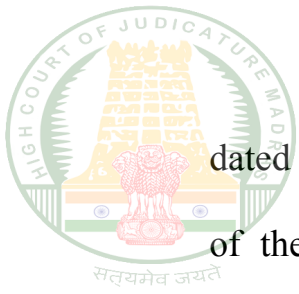
J U D G M E N T

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

A direction issued to approve the appointment of the 1st respondent as a Secondary Grade Teacher in the 2nd respondent School is under challenge.

2. The facts disclose that the 1st respondent was appointed on 12.02.2018 in a sanctioned vacancy that arose upon transfer of one W.Doras Meena on 23.08.2017. A proposal was sent seeking approval of the appointment and the same was rejected on the ground that she is appointed to a surplus post. The said rejection order was subject matter of challenge in W.P.No.4414 of 2020 and this Court, by order dated 28.04.2022 while quashing the rejection order, directed the respondents to consider and approve the appointment.

3. However, the Authorities by the order impugned in the writ petition



dated 07.01.2023 refused approval on the ground that the School forms parts of the Corporate Management and there were surplus teachers in other Schools run by the same Management. It is this order, which was subject matter of challenge in the instant writ petition namely, W.P.No.3821 of 2023. The Writ Court has concluded that G.O.Ms.No165 dated 17.09.2019 which prohibited appointments in schools where there are surplus Teachers was held to be inoperative by a Division Bench of this Court. The Writ Court also relied upon a judgment of the Division Bench in ***the Secretary to Government Vs. Iruthaya Amali*** dated 31.03.2021 wherein, it was held that the Authorities cannot refuse approval to the appointments made prior to issuance of G.O.Ms.No.165 i.e., 17.09.2019 on the ground that there were surplus Teachers in other Schools run by the same Management.

4. It should also be pointed out at this juncture that the judgment in ***the Secretary to Government Vs. Iruthaya Amali*** has been confirmed by the Hon'ble Supreme Court also. Hence, the Writ Court had set aside the order refusing approval and directed grant of approval. However, the learned Government Pleader relied upon the directions issued in ***Iruthaya Amali*** regarding appointments in Schools run by Corporate Management. The said decision itself has made it clear that these directions are prospective in



W.A.No. 576 of 2

nature and they cannot be applied for appointments made prior to 17.09.2019 i.e., the date of G.O.Ms.No.165.

WEB COPY

5. In such view of the matter, we cannot fault the writ court for having allowed the writ petition. This Writ Appeal fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed. It will be open to the Authorities to re-deploy surplus Teachers, if any, in accordance with the rules that are now in place. The Authorities will approve the appointment of the 1st respondent within a period of eight weeks from the date of uploading of the copy of the order. If the approval is not granted within eight weeks, it will be open to the 1st respondent to seek to re-open the contempt proceedings before the learned single Judge.

(R.S.M., J.) (G.A.M., J.)
11.03.2025

kkn
Index: No
Speaking order
Neutral Citation : No

Note: Upload order copy on 17.03.2025.

To:

1. The Director of Elementary Education,

4/6



W.A.No. 576 of 2



DPI Campus, College Road,
Chennai - 600 006.

2. The District Educational Officer,
Cuddalore District.

3. The Block Education Officer II,
Cuddalore.

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



WEB COPY



W.A.No. 576 of 2

KKN

W.A.No. 576 of 2025
and
C.M.P.No. 4655 of 2025

11.03.2025