



WP(MD). No.1269 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.1269 of 2025

and

W.M.P(MD).No.862 of 2025

S. Daniel Abraham Samuel,

... Petitioner

Vs

1. The District Educational Officer (Elementary),
Tirunelveli District..
2. The Block Educational Officer,
Manoor,
Tirunelveli District..
3. The Correspondent,
TDTA Middle School,
Mooverirunthaly Post,
Sankarankovil Taluk,
Tirunelveli District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in his proceedings O.Mu.No. 587/A2/2020 dated 19.05.2022 and quash the same direct the respondents to approve the appointment of



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the petitioner as Secondary Grade Teacher from the date of appointment i.e., 04.06.2019 with salary and all other consequential benefits.

For Petitioner : Mr. V.Panneer Selvam,
For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed praying for a writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the second respondent in his proceedings O.Mu.No. 587/A2/2020 dated 19.05.2022 and quash the same direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment i.e., 04.06.2019 with salary and all other consequential benefits.

2. The proposal for the appointment of the petitioner sent by the third respondent school management had been returned indicating that only if the third respondent submitted the details of the surplus teachers available in the joint management, the application would be considered.



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3. It is to be noted that the petitioner herein was admittedly appointed on 04.06.2019 in a vacancy that has been arose on account of the transfer of the incumbent teacher on the same date. On the date of petitioner's appointment, the concept of surplus in the Join/corporate management had not been envisaged and only by the judgment in W.A(MD).No.76 of 2019 dated 13.01.2021, the same had been envisaged and further, the Honourable Division Bench of this Court had held that the said judgment is prospective in nature and cannot be applied to the appointments that had been made prior to the judgment.

4. In such view of the matter, the return made by the second respondent is wholly improper. Therefore, the third respondent school is directed to resubmit the proposal with regard to the appointment of the petitioner and the first respondent is directed to consider the proposal of the third respondent without insisting on the surplus in the joint/Corporate Management on merits and pass appropriate orders in accordance with law.



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5. With the above direction, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

17.11.2025

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TO

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Tirunelveli District..
2. The Block Educational Officer,
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Tirunelveli District..
3. The Correspondent,
TDTA Middle School,
Mooverirunthaly Post,
Sankarankovil Taluk,
Tirunelveli District..



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K.KUMARESH BABU,J

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**ORDER
IN
WP(MD) No.1269 of 2025**

Date : 17/11/2025