



W.A(MD)No.1660 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.1660 of 2023
and
CMP(MD)No.12729 of 2023**

1. The State of Tamil Nadu,
Through its Secretary to Government,
School Education Department,
Fort St.Geroge, Chennai-9.

2. The Director of School Education,
DPI Campus, Chennai-6.

3. The District Educational Officer,
Tirunelveli District,
Tirunelveli.

4. The Block Educational Officer,
Tirunelveli Urban Range,
Tirunelveli.

... Appellants

vs.

1. D.Sundar Jeba Selvam

2. The Secretary,
Hindu Primary School,
Karuvelankuntu Street,
Tirunelveli Town.

... Respondents



W.A(MD)No.1660 of 2023

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.09.2022 made in W.P(MD)No.14918 of 2020.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For R1 : Mr.T.A.Ebenazar

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 19.09.2022 made in W.P(MD)No.14918 of 2020.

2. The facts leading to the filing of the writ appeal are as follows:

The 2nd respondent school is a private aided school, in which, a vacancy arose in the post of Secondary Grade Assistant on 01.09.2008. The 1st respondent / writ petitioner was appointed in the said vacancy on 01.09.2008. Pursuant to the permission granted by the authority concerned to fill up the vacancy on 09.04.2009, the writ petitioner joined the said post on 20.04.2009. When the 2nd respondent school submitted a proposal for approval of the said appointment, the authority concerned



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by order dated 29.07.2009, granted approval only from 01.06.2009.

Thereafter, the writ petitioner filed W.P.No.29149 of 2013, for a Mandamus to approve his appointment from 20.04.2009. When it was pointed out that the writ petitioner ought to have challenged the approval order dated 29.07.2009, the writ petitioner withdrew the said writ petition with liberty and subsequently filed the present writ petition.

3. The Writ Court found that the post in which the writ petitioner was appointed is a sanctioned post, which fell vacant on 01.09.2008 itself and the writ petitioner was also appointed with effect from the said date. However, only due to the delay in granting permission by the authority concerned to fill up the said vacancy, the writ petitioner joined the post on 20.04.2009. So saying, the Writ Court quashed the impugned order therein, to the extent that the approval should date back to 20.04.2009 instead of 01.06.2009.

4. Though the appellants in the memorandum of appeal raised various grounds, we do not find any valid ground, since the approval of appointment shall take effect only from the date of joining of the writ



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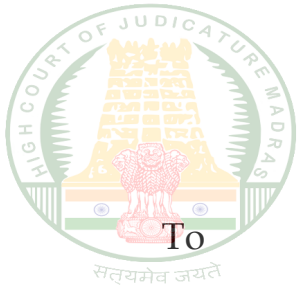
petitioner and not the date at the whims and fancies of the appellants.

Even the vacancy arose on 01.09.2008 and the writ petitioner was also appointed with effect from the said date. However, due to the delay on the part of the appellants in granting permission to fill up the said post, the writ petitioner joined the post on 20.04.2009. Therefore, approval shall be given with effect from the said date of joining. The Writ Court has rightly allowed the writ petition, by holding that the approval should date back to 20.04.2009. We do not find any infirmity or perversity in the order of the Writ Court.

5. Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
20.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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