



W.A.(MD) No.1237 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD) No.1237 of 2025
and
C.M.P(MD) No.7643 of 2025**

1. The Chief Educational Officer
Ramanathapuram,
Ramanathapuram District.

2. The District Educational Officer
Ramanathapuram,
Ramanathapuram District.

... Appellants

-vs-

1. A.Glory
2. Correspondent
St. Francis Higher Secondary School
C.K.Mangalam- 623 402.
Ramanathapuram District

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 08.09.2022 in W.P(MD) No.3483 of 2021 on the file of this Court.

For Appellants : Ms.P.B.Ahamed Yasmin Parvin
Government Advocate

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 08.09.2022 in W.P(MD) No.3483 of 2021.

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

The 2nd respondent school is a minority institution. One Mrs.S.Julias Mary who worked as B.T Assistant in the said school, went on maternity leave from 05.06.2018 till 01.03.2019. In the said leave vacancy, the 1st



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respondent/writ petitioner was appointed and she worked in the said post for 270 days. When proposal was sent to the 1st appellant for payment of salary to the 1st respondent for the abovesaid period, the same was rejected. Challenging the same, the 1st respondent filed the writ petition. The Writ Court finding that the 1st respondent worked even before the date of G.O.Ms.No.165, dated 17.09.2019, as such the said G.O cannot be retrospectively applied, allowed the writ petition quashing the order impugned therein, with a direction to the appellants to approve the appointment of the 1st respondent and to disburse salary for the abovesaid period. As against the said order, the Education Department is on appeal.

3. The crux of the contention made by the learned Government Advocate appearing for the appellants is that during the relevant academic year, posts were rendered surplus in the 2nd respondent school. Since the 2nd respondent school is coming under the corporate management, the resulting maternity leave vacancy should have been



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filled up by re-deploying the surplus teachers. In this regard, the appellants relied upon G.O.Ms.No.165, dated 17.09.2019.

4. Though the appellants relied upon G.O.Ms.No.165, dated 17.09.2019 regarding filling up of vacancies in the schools which come under the corporate management, by re-deploying the surplus teachers in the other schools under the same management, the said G.O was issued pursuant to the judgment of this Court in W.A.No.76 of 2018, dated 09.04.2019, whereas, the 1st respondent has worked in the leave vacancy for the period between 05.06.2018 and 01.03.2019, during which date G.O.Ms.No.165, dated 17.09.2019 was not in force. As rightly held by the Writ Court, the said G.O cannot be applied retrospectively and therefore, the appellants are bound to approve the appointment of the 1st respondent and to disburse the salary for the abovesaid period. We do not find any infirmity in the order passed by the Writ Court.



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5. Accordingly, the Writ Appeal stands dismissed. No costs.

Connected miscellaneous petition is closed.

[A.D.J.C., J.] [R.P., J.]
12.06.2025

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
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