



W.P.(MD)No.8845 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE BATTU DEVANAND**

**W.P.(MD)No.8845 of 2025**

**and**

**W.M.P(MD)Nos.6617 and 6620 of 2025**

A.Hepsiba Beula

... Petitioner

Vs.

1.The District Educational Officer,  
(Elementary Education),  
Kovilpatti,  
Thoothukudi District.

2.The Block Educational Officer,  
Otapidaram - 628401,  
Thoothukudi District.

3.The Correspondent,  
TDTA Middle School,  
V.Kalugasalapuram,  
Ottapidaram,  
Thoothukudi District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the first respondent District Educational Officer in Pa.Mu.No.1302/a4/2024 dated 07.08.2024 quash the same in so far as denying approval from 01.11.2018 to 06.08.2023 and further direct respondent



W.P.(MD)No.8845 of 2025

first respondent District Educational Officer to approve forthwith the appointment of petitioner as BT Assistant Tamil in the third respondent school namely TNDTA Middle School V.Kalugasalapuram w.e.f., 01.11.2018 and to disburse the grant-in-aid towards her salary and other attendant benefits.

For Petitioner : M/s.A.Amala

For R1 & R2 : Mr.M.Siddharthan  
Additional Government Pleader

### **ORDER**

The instant writ petition has been filed by the Graduate Teacher appointed to the third respondent School, challenging the order passed by the first respondent on 07.08.2024, wherein the approval was granted only from 07.08.2023 instead of 01.11.2018.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as Graduate Teacher in the third respondent School on 01.11.2018. The proposal to grant approval of the appointment of the petitioner was forwarded by the management to the second respondent. The first respondent, instead of granting approval from the date of appointment, (i.e) 01.11.2018, vide impugned order dated 07.08.2024 granted the approval



W.P.(MD)No.8845 of 2025

only from 07.08.2023 on the ground that there were surplus Graduate Teachers

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3. According to the learned counsel for the petitioner, the third respondent School is an Aided Minority Institution administered by a Corporate Management. Prior to the decision of the Hon'ble Division Bench of this Court in W.A.No.76 of 2019, dated 31.03.2021, staff fixation orders were issued based on the student strength of each School and surplus Teachers were identified only based on the student strength of each School. The concept of Corporate surplus was introduced only in the orders of the Hon'ble Division Bench in W.A.No.76 of 2019 dated 31.03.2021. When the appointment of the petitioner has been made prior to the orders of the Hon'ble Division Bench dated 31.03.2021, the authorities are excepted to consider the fact that whether the appointment is within the staff fixation order for the third respondent School or not.

4. Per contra, the learned Additional Government Pleader appearing for the official respondents herein had contended that the third respondent School having been administered by a Corporate Management, if there are surplus



W.P.(MD)No.8845 of 2025

Graduate Teachers in the other School falling within the same management,

without deploying those Teachers, any fresh appointment of a Graduate Teacher cannot be approved.

5. I have carefully considered the submissions made on either side and perused the materials placed on record.

6. As rightly pointed by the learned counsel for the petitioner, the concept of corporate surplus was introduced by the Hon'ble Division Bench for the first time in W.A.No.76 of 2019 dated 31.03.2021. Before that, the authorities as well as the concerned Schools were following G.O.Ms.No. 525, School Education (D1) Department, Dated 29.12.1997, wherein there is no whisper about the corporate surplus. In such circumstances, if any appointment is made prior to 31.03.2021, the authorities are expected to grant approval to the appointment of Teachers, provided the appointment is within the staff fixation order for the relevant School in the relevant academic year.

7.As far as the present case is concerned, one Graduate Teacher post has been sanctioned under the staff fixation order for the academic year 2018-2019 for the third respondent School. It is not in dispute that the petitioner has been



W.P.(MD)No.8845 of 2025

appointed to the said post. In such circumstances, there are no surplus Teachers

as per the staff fixation year for the third respondent school.

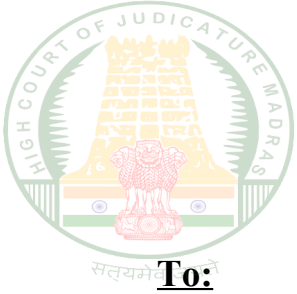
8. In view of the above, the order impugned in the writ petition is set aside insofar as it denies approval from 01.11.2018 onwards is concerned and this writ petition is allowed. The first respondent is directed to revise the approval order granting approval to the appointment of the writ petitioner with effect from 01.11.2018 onwards. The said exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this order.

No costs.

Consequently, the connected miscellaneous petitions are closed.

**01.04.2025**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
Sn



W.P.(MD)No.8845 of 2025

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W.P.(MD)No.8845 of 2025

**BATTU DEVANAND, J.**

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W.P.(MD)No.8845 of 2025

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