



W.P.(MD)No.9087 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9087 of 2025

and

W.M.P(MD)Nos.6777 and 6779 of 2025

The Correspondents,
R.C.Middle School,
Ilayarasanendal,
Kovilpatti – 627 713
Tuticorin District.

... Petitioner

Vs.

1.The District Educational Officer,
(Elementary Education),
Madurai Road,
Thenkasi District.

2.The Block Educational Officer,
Kuruvikulam,
Thenkasi 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 1st respondent District Educational Officer in Na.Ka.No.2301/A4/2024 dated .01.2025 quash the same and further



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Direct 1st respondent District Educational Officer to approve forthwith the appointment of M.Jeeva as Secondary Grade Teacher in the petitioners School namely R.C.Middle School Ilayarasanendal w.e.f., 02.03.2020 and to disburse the grant-in-aid towards her salary and other attendant benefits

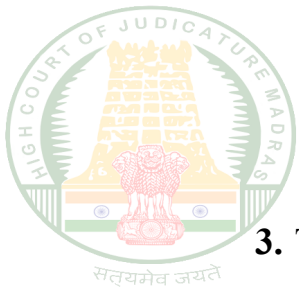
For Petitioner : M/s.A.Amala

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Heard M/s.A.Amala, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents and carefully perused the materials available on records.

2. This writ petition has been filed to quash the impugned proceedings issued by the first respondent, District Educational Officer dated .01.2025 and for consequential direction to the District Educational Officer to approve forthwith the appointment of M.Jeeva as Secondary Grade Teacher in the petitioner School namely R.C.Middle School Ilayarasanendal w.e.f., 02.03.2020 and to disburse the grant-in-aid towards her salary and other attendant benefits.



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3. The petitioner School has appointed one M.Jeeva as Secondary Grade

Teacher due to the retirement of the then incumbent Tmt.M.Mangayarkarasi.

When the School submitted the proposal for approval of appointment of the said M.Jeeva on 09.03.2020, there was no response from the respondents. The reminder was sent on 31.03.2022. The school submitted once again the proposal on 07.11.2023. Since the respondents did not pass any order, the petitioner filed WP(MD)No.14556 of 2024. This Court while disposing the writ petition directed the first respondent to consider the proposal and pass orders within the period of four weeks. Thereafter, on .. 01.2025 the District Educational Officer refused to approve the appointment for the reason that the school had not submitted the details of deployment of surplus teachers in the R.C. Corporate management. Therefore, the petitioner is constrained to file the present writ petition.

4. The other reason for rejecting the approval is concerned, it is about the availability of surplus teachers working in the other schools under the same management. The petitioner has appointed the said M.Jeeva as Secondary Grade Teacher with effect from 02.03.2020. According to the petitioner, the surplus teachers working in the other schools coming under the same management will



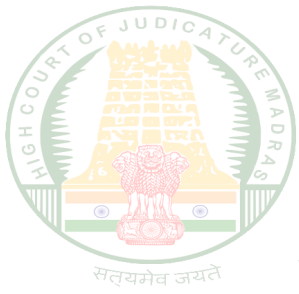
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no way impediment in approving the appointment made against the sanctioned posts. Hence, the petitioner appointed the said M.Jeeva as Secondary Grade Teacher on which date the Secondary Grade Teacher post was very much a sanctioned vacancy. Hence, the reason for rejection of the approval of appointment made by the petitioner School on the ground that the school ought to have filled the sanctioned post with the surplus teachers is also not valid.

5. In respect of applicability of the cut off date for appointment, it is relevant to rely on the judgment of this Court held in W.P.(MD)No.7479 of 2024 dated 17.04.2024, wherein in paragraph Nos.4, 5 & 6 it is held as follows:

"4. However, the learned counsel for the petitioner attracted the attention of this Court to the judgment passed by the Division Bench of this Court in W.A.(MD).No.2119 of 2021 dated 23.06.2023 in the case of The Commissioner of School Education, Vs Aided Muslim Committee Primary School, Rep. by its Correspondent, S.Sheik Shajakhan Sithik, wherein it is held as under:

"8.Moreover, the said G.O., was issued only on 17.09.2019, whereas the teacher was appointed well before the issuance of the said G.O., ie., 03.07.2018. Therefore, assuming if the said G.O., ultimately would be declared to be valid, that will have a prospective effect. Moreover, as on today, the said G.O., is no more available to the appellant department to say the reason that by virtue of G.O.Ms.No.165, the appointment made in respect of the teacher concerned at the 1st respondent school cannot be approved. 9. In that view of the matter, we have no hesitation to hold that the order impugned



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passed by the learned Single Judge is perfectly valid and therefore, it is to be sustained. In the result, this Writ Appeal fails, therefore, it is to be dismissed, accordingly, it is dismissed. As a sequel, there shall be a direction to the appellant Department to approve the appointment of the teacher concerned in the 1st respondent School and extend all service benefits from the date of such appointment to the teacher concerned within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

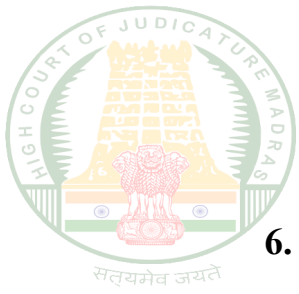
5. The learned counsel for the petitioner also submitted that the Government Order in G.O.Ms.No.165 dated 17.09.2019 has been kept inoperative in W.A.(MD).No.76 of 2019 batch dated 31.03.2021 in the case of The Secretary to Government Government of Tamil Nadu School Education Department, Fort St. George, Chennai – 9 vs Iruthaya Amali and the relevant portion of the order is extracted hereunder:

"95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases :

....

(o) In view of the aforesaid, the G.O.Ms.No. 165, School Education [Tho.Ka.2(1)] Department, dated 17.09.2019 is hereby declared to be inoperative."

6. The petitioner's appointment has been made prior to the order dated 31.03.2021 passed in W.A.(MD).No.76 of 2019 batch. Hence, the petitioner School can get the advantage of getting approval of the appointment of Sunitha as B.T.Assistant Tamil. Therefore, the respondents cannot decline the approval of the appointment due to the reasons of TET eligibility or the deployment of the alleged surplus."



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6. Since the above analogy is applicable to the situation that has arisen in this case, the impugned order is liable to be set aside, the petitioner School is also entitled for the same relief.

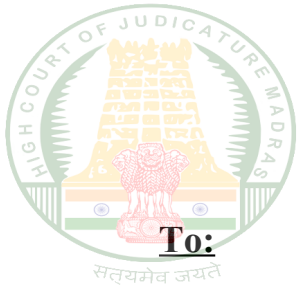
7. In view of the above reasons, this writ petition is allowed and the impugned order is set aside. The respondents are directed to pass orders to grant approval of appointment of M.Jeeva as Secondary Grade Teacher in the petitioner School with effect from 02.03.2020 and disburse grant-in-aid within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

02.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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