

W.A(MD) No.1283 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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and

C.M.P.(MD)No.7809 of 2025

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 0009.

2.The Director of School Education,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Tuticorin, Tuticorin District.

4.The District Educational Officer,
Kovilpatti,
Tuticorin District.

... Appellant / Respondents

Vs

Samy Ayya Nadar
Higher Secondary School,
Rep. by its Secretary,
Nagalapuram-628 904,
Tuticorin District.

... Respondent / Writ Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 29.07.2024 in W.P.(MD)No.22608 of 2019 on the file of this Court.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondent : Mr.E.V.N.Siva

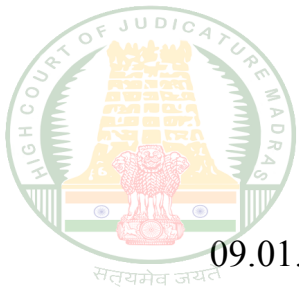
ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner Samy Ayya Nadar Higher Secondary School applied to the department seeking permission to fill up the vacancy in the post of B.T.Assistant (Maths). Permission was granted by the competent authority vide proceedings dated 18.09.2018. In terms of the permission given by the department, the school management initiated recruitment process and eventually, appointed one K.Vasuki in the said post on 25.10.2018. Proposal was submitted for approval of the appointment on

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09.01.2019. Without passing any order on the said proposal, the original proceedings whereby permission was granted to fill up the vacancy was cancelled on 01.10.2019. Challenging the same, the school management as well as the appointee filed the writ petitions. Both the writ petitions were allowed by the learned single Judge vide order dated 29.07.2024. Challenging the same, the writ appeal has been filed.

3. As rightly pointed out by the learned counsel appearing for the respondent, when a common order was passed in two writ petitions, technically two writ appeals should have been filed. But we do not want to non-suit the appellant on this technical ground. The fact remains that in terms of the permission granted by the department, the recruitment was made. Therefore, the principle of estoppel will squarely operate against the department. In this view of the matter, we do not want to interfere with the relief granted by the learned single Judge. However, the observation made by the learned single Judge regarding the applicability of 200 point roster is vacated. This issue will be gone into in an appropriate proceeding.



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4. The writ appeal is dismissed with the aforesaid observation. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
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