



W.P(MD)No.10208 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.10208 of 2025

and

W.M.P(MD)No.7599 of 2025

K.Antony Sundar

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

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

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

4.The Correspondent,
St.Thomas Higher Secondary School,
Virapandianpatnam,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the second respondent herein vide Oo.Mu.No.6393/Aa3/2024, dated



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11.12.2024 and quash the same and further direct the second respondent herein to approve the appointment of petitioner as Physical Education Teacher in the fourth respondent school with effect from 13.08.2024 and disburse grant-in-aid towards salary and other attendant benefits, and pass such further or other orders as this Court.

For Petitioner : Mr.A.Ajith Geethan
For R-1 to R-3 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R-4 : No appearance

ORDER

The present writ petition has been filed to quash the order, dated 11.12.2024 passed by the second respondent and further direct the second respondent herein to approve the appointment of petitioner as Physical Education Teacher in the fourth respondent school with effect from 13.08.2024 and disburse grant-in-aid towards salary and other attendant benefits.

2. The learned Counsel appearing for the petitioner would submit that the petitioner was appointed as a Physical Education Teacher in the fourth respondent School on 13.08.2024 which felt vacant on the death of the previous incumbent on 02.01.2024. He would submit that the



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proposal was also submitted by the fourth respondent to the second respondent as early as on 21.11.2024. But however, under the impugned order, the same had been returned by holding that the said post had been rendered surplus in the staff fixation for the academic year 2024-2025 issued on 21.11.2024. He would further submit that the petitioner was appointed even prior to the staff fixation on 21.11.2024 on the basis of the approved sanctioned strength which prevailed on the date of the revised sanctioned strength. Therefore, his appointment cannot be said to be in a surplus place and therefore, he seeks interference with the orders passed by the second respondent.

3. Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the official respondents, on the other hand, would submit that the appointment being made on 13.08.2024, could only be considered as per the staff fixation order issued for the academic year 2024-2025 and not on the basis of the staff fixation done for the academic year 2023-2024. He would further submit the School has not challenged the staff fixation for the academic year 2024-2025 and without the same being challenged, the decision impugned in this writ



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petition cannot be said to be bad in law.

4. I have carefully considered the submissions made on either side and perused the materials available on record.

5. It is not disputed that the petitioner was appointed on 13.08.2024. It is also not disputed that for the academic year 2024-2025, the sanctioned strength with regard to the Physical Education Teacher had been revised and one was held to be in excess. The said order had come to be passed on 11.12.2024 before which the petitioner had been appointed as per the earlier sanctioned strength, in a vacancy that arose on account of the death of an incumbent Physical Education Teacher in a month of February, 2024, which was in the academic year 2023-2024. Had the revision of sanctioned strength been made immediately on the commencement of the academic year, the issue would not have arisen. Be that as it may, the petitioner having been appointed in a sanctioned strength of the year 2023-2024 before its revision in the month of November for the academic year 2024-2025, this Court finds that the order impugned is not justified.



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6. In such view of the matter, the order impugned herein is set aside and the respondents are directed to grant approval of the proposal sent by the fourth respondent in respect to the petitioner. This order is made considering the fact that the subsequent academic year 2025-2026 has also began and if the sanctioned strength is again being revised, the petitioner can be retained in the very same place or if the sanctioned strength continues as that for the academic year 2024-2025, then it is always open to the respondents to redeploy the petitioner to any other School as per the norms in that regard and when such redeployment is made, the petitioner shall comply with the order of redeployment.

7. With the aforesaid observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

11.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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K.KUMARESH BABU, J.

BTR

Order made in
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