



W.P.(MD)No.12959 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.12959 of 2025

and

W.M.P.(MD).No.9270 of 2025

M.Cliten Raja

... Petitioner

Vs.

1. The District Educational Officer (Elementary)
O/o.The District Educational Officer (Elementary),
Valliyoor,
Tirunelveli District.

2. The District Educational Officer (Elementary)
O/o.The District Educational Officer,
Tenkasi,
Tenkasi District.

3. The Block Educational Officer - I
O/o.The Block Educational Officer,
Kalakadu,
Tirunelveli District.

4. The Block Educational Officer - I
O/o.The Block Educational Officer,
Alankulam,
Tenkasi District.

5. T.D.T.A Primary School
Rep. by the Correspondent,
Dohnavur, Nanguneri Taluk, Tirunelveli District.



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6. T.D.T.A.Primary School
Rep. by the Correspondent,
Odaimarichan,
Alankulam,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.2234/AA1/2023 dated 19.07.2024 on the file of the first respondent in so far as granting approval from 20.04.2023 instead of 22.06.2016 and quash the same as illegal and consequently directing the first respondent to revise the approval of appointment of the petitioner as Secondary Grade Teacher with effect from the date of appointment 22.06.2016 instead from the date of deployment of surplus post on 20.04.2023 and disburse all the service and monetary benefits.

For Petitioner : Mr.I.Pinaygash

For Respondent Nos.1 to 4 : Mr.T.Amjad Khan
Government Advocate



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ORDER

The instant writ petition has been filed by the Secondary Grade Teacher appointed in the fifth respondent School, challenging the order passed by the second respondent on 19.07.2024, wherein the approval was granted only from 20.04.2023 instead of 22.06.2016.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as Secondary Grade Teacher in the fifth respondent School on 22.06.2016. 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) 22.06.2016, vide impugned order dated 19.07.2024 granted the approval only from 20.04.2023 on the ground that there were surplus Secondary Grade Teachers prior to 20.04.2023.

3. According to the learned counsel for the petitioner, the fifth 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



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in W.A.(MD).No.76 of 2019, dated 31.03.2021, staff fixation orders were

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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.(MD).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 fourth respondent School or not.

4. Per contra, the learned Government Advocate appearing for the official respondents herein had contended that the fifth respondent School having been administered by a Corporate Management, if there are surplus Secondary Grade Teachers in the other School falling within the same management, without deploying those Teachers, any fresh appointment of a Secondary Grade Teacher cannot be approved.

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



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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.(MD).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 Secondary Grade Teacher post has been sanctioned under the staff fixation order for the academic year 2015-2016 for the fifth respondent School. It is not in dispute that the petitioner has been appointed to the said post. In such circumstances, there are no surplus Secondary Grade Teachers as per the staff fixation year for the fifth respondent school.



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8. In view of the above, the order impugned in the writ petition is set aside insofar as it denies approval from 22.06.2016 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 22.06.2016 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 petition is closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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WEB **To** PY

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BATTU DEVANAND, J.

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