



W.A.(MD)No.264 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.A.(MD)No.264 of 2025

and

C.M.P.(MD)No.1878 of 2025

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

2.The Block Educational Officer,
Radhapuram-627 111,
Tirunelveli District.

...Appellants

-Vs-

1.N.Rabika

2.The Correspondent,
Muslim Middle School,
Thiruvembalapuram Village,
Radhapuram Taluk,
Tirunelveli District.

...Respondents

PRAYER:Writ Appeal- filed under Clause 15 of the Letters Patent Act to set aside the order dated 13.07.2023 passed in W.P.(MD)No.22110 of 2022 and allow this writ appeal.



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For Appellants : Mr.J.Ashok
Additional Government Pleader
For R1 : Mr.V.Panneer Selvam
For R2 : Mr.B.Gopinath

JUDGMENT

J. NISHA BANU,J.
and
S.SRIMATHY,J.

Mr.V.Panneer Selvam, learned counsel takes notice for the first respondent and Mr.B.Gopinath, learned counsel, takes notice for the second respondent.

2.By consent of both parties, this Writ Appeal is taken up for final disposal at the stage of admission itself.

3.This writ appeal is directed against the order of this Court dated 13.07.2023 made in W.P.(MD)No.22110 of 2022, wherein this Court has directed the appellants herein to approve the appointment of the writ petitioner to the post of Secondary Grade Teacher in the second respondent School.

4.The first respondent was appointed as Secondary Grade Teacher in the second respondent School on 10.06.2019 in the vacancy arising out of the



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retirement of the erstwhile incumbent. The proposal was sent by the second respondent School for approval of the writ petitioner's appointment. However, the said proposal was rejected on the ground that there were surplus teachers in the corporate management vide proceedings dated 13.07.2021. Challenging the same, the first respondent filed the writ petition.

5.The learned Single Judge allowed the writ petition directing the appellants to approve the appointment of the writ petitioner on finding that the second respondent School is an individual minority School and the writ petitioner was appointed in the sanctioned post and hence, the appointment of the writ petitioner cannot be stated to be excess.

6.The said order is put to challenge by the Department in this writ appeal on the ground that the appointment of the writ petitioner cannot be approved unless the excess Teachers are deployed.

7.The issue on hand is squarely covered by the judgment of this Court in ***Secretary to Government of Tamil Nadu, School Education Department, Fort St.George, Chennai-9 vs. Iruthaya Amali***, wherein the Division Bench of this Court has held that the approval of appointment need not be granted when



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there is surplus Teachers in the Corporate Management or in the School, if it is a stand alone institution only on and from 31.03.2021, that is the date of judgment in the said case. Therefore, the appointments that were made prior to 31.03.2021 in a sanctioned post have to be approved and after approval, the department must take action for redeploying the Teacher in the needy School.

8.In view of the above settled position of law, we do not find any reason to interfere with the order of the learned Single Judge. Therefore, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
12.02.2025

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