



W.P(MD)No.19362 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19362 of 2025

K.Santhi

... Petitioner

vs.

1. The Director of Elementary School Education,
D.P.I. Compound,
College Road, Chennai.

2. The District Educational Officer (Elementary),
Tenkasi District, Tenkasi.

3. The Assistant Elementary Educational Office,
Melaneelithanallur Range,
Tenkasi District.

4. The Correspondent,
R.C. Middle School,
Keelaneelithanallur,
Rengasamuthiram Range,
Tenkasi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in respect of order passed by 2nd respondent in Ni. Mu.No.978/Aa2/2024 dated



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WEB COPY 01.07.2024 in so far as granting approval from 01.03.2024 and condition No.3 and quash the same as illegal and consequently direct the 2nd Respondent to approve the appointment of the petitioner from 08.06.2017 and disburse all the service and monetary benefits.

For Petitioner : Mr. S.Chella Pandian

For R1 – R3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Aggrieved by the approval of appointment which did not approve the petitioner's appointment with effect from 08.06.2017 and seeking disbursement of all the service and monetary benefit from the said date, the present writ petition has been filed.

2. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The fourth respondent school is a government-aided minority institution run by the Roman Catholic Management. In this school, a B.T. Assistant (History) post became vacant due to the transfer of one Mr. Antony



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Rajadurai on 13.05.2017. As a minority institution, the fourth respondent has the full right to administer its affairs, including appointments, under Article 30(1) of the Constitution of India. Accordingly, the fourth respondent appointed the petitioner as B.T. Assistant (History) on 08.06.2017. The school subsequently forwarded a proposal for approval of the petitioner's appointment. However, the Block Educational Officer returned the proposal on 13.11.2017, citing the existence of surplus teachers in the R.C.Corporate Management Schools. Challenging this, the petitioner filed a writ petition before this Court in W.P.(MD) No.22072 of 2019. By order dated 15.11.2019, this Court allowed the writ petition and directed the respondents the District Educational Officer and the Block Educational Officer to approve the petitioner's appointment as B.T. Assistant (History) in the fourth respondent school from the date of her appointment, i.e., 08.06.2017 and to pay her salary from that date. This order has become final, as no appeal has been preferred against it. However, the impugned approval order dated 01.07.2024 approves the petitioner's appointment only from 01.03.2024, which is contrary to the decision rendered by this Court. Accordingly, he prayed to allow the writ petition.



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4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 3 would submit that following the redeployed process, there were no surplus teachers in the R.C.Management Schools as of 01.03.2024 and hence the petitioner's appointment was approved from that date. It was further contended that unless all surplus posts are exhausted, the appointment of the petitioner could not have been considered earlier. Therefore, the approval granted from 01.03.2024 is justified and does not warrant interference by this Court. Accordingly, the learned Government Pleader prayed for dismissal of the writ petition.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as B.T.Assistant (History) on 08.06.2017 due to the transfer of one Mr.Antony Rajadurai. Thereafter the fourth respondent school forwarded the proposal to the Block Educational Officer but however, the same was returned on 13.11.2017 and thereby, the writ petitioner filed the writ petition



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in W.P.(MD) No.22072 of 2019 before this Court. This Court on 15.11.2019, passed the following order:

“7.The Division Bench, after considering various judgments of this Court and also the judgment of the Hon'ble Apex Court in the judgment reported in **2002 (8) SCC 481 (T.M.A. Pai Foundation Vs. State of Karnataka)** and the judgment reported in **2007 (1) SCC 386 (Malankara Syrian Catholic College Vs. T.Jose)**, confirmed the order passed in that Writ Petition and held that the management, like the third respondent therein can recruit fresh teachers, when there are surplus teachers in the school under the same management. It is not denied that the petitioner is fully qualified to be appointed as B.T.Assistant (History).

8.Considering the above materials and the order of this Court dated 21.08.2017 made in W.P.(MD)No.15583 of 2017, the impugned order of the second respondent, dated 13.11.2017, is quashed and this Writ Petition stands allowed, directing the respondents 1 and 2 to approve the appointment of the petitioner as B.T.Assistant (History) in the third respondent school from the date of her appointment i.e., 08.06.2017 and pay the salary from



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08.06.2017. No costs. Consequently, connected miscellaneous petition is closed.”

7. A perusal of the aforementioned decision rendered by this Court clearly shows that a specific direction was issued to the second respondent to approve the appointment of the petitioner from 08.06.2017 and to pay her salary from that date. However, without challenging the said order before a higher forum, the respondent has passed the impugned order approving the petitioner’s appointment only from 01.03.2024, which is unsustainable in law. The petitioner ought to have been approved from 08.06.2017, as already directed by this Court. Therefore, there shall be a direction to respondents 1 to 3 to approve the appointment of the petitioner from 08.06.2017 and to pay her salary from that date, in compliance with the earlier order of this Court.

8. The writ petition stands allowed with the above directions. There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN

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To

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M.DHANDAPANI,J.

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**ORDER MADE IN
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