



W.P.(MD)No.19432 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.19432 of 2021

and

W.M.P.(MD)Nos.16152 & 16153 of 2021

R.C.Convent Middle School,
through its Correspondent,
Sister Mariya Chrisilda,
D/o.John,
Kosavapatti,
Dindigul District.

: Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.



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

4.The District Educational Officer,
Dindigul District,
Dindigul.

5.The Block Educational Officer,
Sanarpatti Education Block,
Sanarpatti,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent vide his proceedings in Na.Ka.No.3009/A4/2021, dated 25.08.2021 and quash the same as illegal and consequently direct the fourth respondent to approve forthwith the appointment of Selvi.S.Ignatius Jebakani Pramila, Secondary Grade Teacher in the sanctioned post in the petitioner's school with effect from the date of her appointment viz., 25.02.2021 and release salary and all attendant benefits with effect from the said date within the time stipulated by this Court and for other reliefs.



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For Petitioner : Mr.J.Lawrance
For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 25.08.2021, passed by the fourth respondent, rejecting the petitioner's request for seeking approval for the appointment of Selvi.S.Ignatius Jebakani Pramila as secondary grade teacher in the petitioner school with effect from the date of her appointment ie., 25.02.2021, on the ground that there are surplus teachers in other schools belonging to the very same corporate management of the petitioner school.

2.In the decision rendered by the Division Bench of this Court in the case of ***Secretary to Government of Tamil Nadu, School Education Department, Chennai - 9 and others Vs. Iruthaya Amali*** in ***W.A.(MD)No.76 of 2019*** dated ***27.08.2024***, commonly known as ***Iruthaya Amali's*** case, it has been made clear that whenever there are surplus teachers in the corporate



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management of a school, the said school cannot make fresh appointments without redeploying teachers from other schools in the very same corporate management. However, the order dated 27.08.2024 of the Division Bench in **Iruthaya Amali's** case was the subject matter of interpretation as to whether the said decision will have applicability to the cases where the teacher has been appointed prior to the cut off date prescribed by the decision in **Iruthaya Amali's** case ie., on 31.03.2021.

3.Learned Counsel for the petitioner has placed on record decisions in support of the petitioner's case which according to him makes it clear that the decision rendered in **Iruthaya Amali's** case by the Division Bench will not have applicability to the case where teachers have been appointed prior to the cut off date prescribed in the decision rendered by the Division Bench of this Court in **Iruthaya Amali's** case ie., 31.03.2021.

4.On the other hand, learned Special Government Pleader appearing for the respondents has also placed on record various decisions which according to him makes it clear that the decision rendered by the Division Bench of this Court in **Iruthaya Amali's** case has applicability to both teachers appointed prior to the cut off



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date ie., on 31.03.2021 and also to cases subsequent to the date of the cut off date prescribed by the Division Bench.

5.In view of the submissions made by both the Counsels, this Court deems it fit to remand the matter back to the very same respondent for fresh consideration on merits and in accordance with law, after giving due consideration to the decisions relied upon by both the parties within a time frame to be fixed by this Court. This Court is not expressing any opinion on the merits of the petitioner's contention before this Court. It is for the respondents to consider the same on merits.

6.For the forgoing reasons, the impugned order dated 25.08.2021 passed by the fourth respondent is hereby quashed and the matter is remanded back to the fourth respondent for fresh consideration on merits and in accordance with law. The fourth respondent is directed to consider the authorities placed on record by the petitioner and also permit the petitioner to place the said authorities and after giving due consideration to the same, pass final orders on merits and in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of the order by passing a speaking order.



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7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.10.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

- 1.The Secretary,
Government of Tamil Nadu,
Department of School Education,
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- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
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ABDUL QUDDHOSE., J.

MR

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