



W.A.(MD) No.265 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD) No.265 of 2020
and
C.M.P.(MD) No.1904 of 2020**

- 1.The Director of Elementary Education
College Road, Chennai-600 006
 - 2.The District Elementary Educational Officer
Nagercoil-629 001, Kanyakumari District
 - 3.The Assistant Elementary Educational Officer
Suchindram, Kanyakumari District
- ... Appellants

-vs-

The Correspondent
Arockia Annai Primary School
Arokiapuram
Kanyakumari District

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 19.04.2018, passed in W.P.(MD) No.7966 of 2018, on the file of this Court.



W.A.(MD) No.265 of 2020

WEB COPY

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondent : No appearance

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

The writ order dated 19.04.2018, passed in W.P.(MD) No.7966 of 2018, is sought to be assailed in the present writ appeal.

2. The State has preferred this writ appeal mainly on the ground that the relief sought for in the writ petition that the respondent – School is entitled for approval of appointment to one Smt.A.Joyce as Secondary Grade Teacher is contrary to the Act and Rules.

3. The respondent – School appointed one Smt.A.Joyce as a Secondary Grade Teacher with effect from 01.06.2016. An application was submitted to the authorities concerned seeking approval to the said appointment. The authorities concerned scrutinized the application and found that in the same block, 11 surplus teachers are working in various schools administered by the Roman Catholic Diocese of Kottar.



W.A.(MD) No.265 of 2020

WEB COPY

4. When 11 surplus teachers are working in the same block, grant of approval for the appointment made would not arise at all, since the said Diocese ought to have deputed anyone of the surplus teachers in the vacant post in order to avoid unnecessary financial loss to the State Exchequer.

5. This Court has considered a similar issue in the Judgment dated 20.11.2023 in W.A.(MD) No.320 of 2023 and the relevant portion of the said Judgment reads as under:

“17. Therefore, on identification of surplus Teachers, they are to be redeployed in the vacancies available in the same school or in any other school within the Corporate Management / Joint Management as the case may be and if no posts are available either in the school, in which the Teacher is working or in the Corporate Management or in the Joint Management, then alone such Teachers are to be redeployed in any other school, where the vacancies are available. The said procedure is settled by the Division Bench of this Court in the case of Secretary to Government, Government of Tamil Nadu, school Education Department and others vs. Iruthaya Amali and another reported in [W.A. (MD)76 of 2019 etc., batch] dated



W.A.(MD) No.265 of 2020

WEB COPY

31.03.2021.”

6. Since the Roman Catholic Diocese of Kottar is administering number of schools in the same block, 11 surplus teachers are working in the nearby schools, there is no necessity to appoint a new teacher and if any teacher is appointed, it would result in unnecessary financial loss to the State Exchequer. The Writ Court has not considered this fact, but, considered the point that the sanctioned post was vacant in the respondent – School and in the said post, a Secondary Grade Teacher was appointed and thus, the appointment is to be approved. However, the said ground deserves no acceptability in view of the fact that without sanction of post, 11 teachers are working in the nearby schools administered by the same educational agency, namely, Roman Catholic Diocese of Kottar. When surplus teachers are working without sanction in the very same educational agency, the rules require all those surplus teachers are to be posted in the existing vacancy in order to avoid excess payments. In the event of appointing teachers in this way, it will result in increase of surplus teachers rather than accommodating the surplus teachers in any of the existing vacancies. Thus, the order of the Writ Court, if it is implemented, would not only pave way for financial burden



W.A.(MD) No.265 of 2020

WEB COPY

to the State Exchequer, but also appointment of excess teachers over and above the sanctioned post in various schools administered by the same educational agency. For example, if 100 posts are sanctioned in 10 schools administered by the same educational agency and if 10 surplus teachers are working and if further appointments are made in any one of the schools in the sanctioned post, it will only result in increasing the number of teachers and therefore, this Court is of the considered view that the writ order is infirm and the same is liable to be set aside.

7. Accordingly, this writ appeal is allowed and the writ order dated 19.04.2018, passed in W.P.(MD) No.7966 of 2018, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[A.D.M.C., J.]

23.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

Page 5 of 7



W.A.(MD) No.265 of 2020

WEB COPY

To:

- 1.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Nagercoil-629 001,
Kanyakumari District.
- 3.The Assistant Elementary Educational Officer,
Suchindram,
Kanyakumari District.



WEB COPY



W.A.(MD) No.265 of 2020

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

krk

W.A.(MD) No.265 of 2020
and
C.M.P.(MD) No.1904 of 2020

23.06.2025