



W.A(MD)No.2113 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.2113 of 2024
and
CMP(MD)No.14970 of 2024**

1. The State 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 - 600 009.

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

4. The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Appellants

vs.

The Correspondent
St. Arulanandar Higher Secondary School,
Oriyur,
Ramanathapuram District.

... Respondent



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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.01.2024 made in W.P(MD)No.31292 of 2023.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondent : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 02.01.2024 made in W.P(MD)No.31292 of 2023.

2. The writ petitioner / respondent school namely, St. Arulanandar Higher Secondary School, Oriyur, Ramanathapuram District, is a recognised and aided minority educational institution administered by the Society of Arulanandar, Oriyur. In the said school, one post of B.T. Assistant (Tamil) fell vacant on 01.06.2022 due to the superannuation of the then incumbent. In the said vacancy, the school appointed a fully qualified candidate namely, Mr.A.Arul Amalanthan,



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B.T.Assistant (Tamil) with effect from 01.06.2022. However, the 4th appellant / D.E.O refused to approve the said appointment vide proceedings, dated 17.07.2023, citing G.O.Ms.No.165, School Education Department, dated 17.09.2019, wherein, it was instructed that until the surplus teachers working in minority and non-minority private aided schools were deployed to the needy schools, no new appointment should be made in any school and that no approval should be granted thereof. Challenging the said rejection order, the school filed the writ petition. The Writ Court relying upon the order passed by the Division Bench in *W.A(MD)No.76 of 2019 etc., batch dated 31.03.2021 [Secretary to Government, Government of Tamil Nadu, School Education Department vs. Iruthaya Amali]* and another order dated 14.03.2023 in W.P(MD)No.26738 of 2023, allowed the writ petition directing approval of the abovesaid appointment.

3. Assailing the impugned order, though the appellants raised various grounds, as rightly held by the Writ Court, the issue raised in this appeal is no longer *res integra*, in view of the decision of this Court



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in Iruthaya Amali's case (supra), wherein, the Division Bench has issued a compendium of schedule to be followed and Clause (v) therein is extracted hereunder:

"(v) Like that insofar as aided minority institutions are concerned, if it is a stand alone institution, their right of appointing a teacher in a vacancy within the sanctioned strength for the academic year 2021-22 shall not be affected because of the identified excess teachers in other schools. ..."

4. Admittedly, the respondent school is a stand-alone minority institution. Therefore, the question of surplus will not arise, unless it is shown that there are surplus teachers in the very institution. It is admitted that there are no surplus teachers in the respondent school on the date of appointment of the abovesaid teacher.

5. Hence, the Writ Appeal is dismissed. The appellants shall approve the appointment of Mr.A.Arul Amalanthan, B.T.Assistant (Tamil) with effect from 01.06.2022, within a period of twelve weeks from the date of receipt of a copy of this order and also pay all the salary



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and other benefits payable to him within the said period. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
20.03.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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JUDGMENT MADE IN
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