



W.A.(MD)No.915 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)No.915 of 2025

&

C.M.P.(MD)No.5926 of 2025

1.The Chief Educational Officer,
Kanyakumari District.

2.The District Educational Officer,
Nagercoil, Kanyakumari District.

... Appellants

-Vs-

1.Anitha. S.S.

2.The Correspondent,
L.M.S.Higher Secondary School,
Jamestown, Kanyakumari District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 02.09.2022 made in W.P.(MD)No.15783 of 2022 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader

For Respondents : Mr.E.V.N.Siva

Page 1 of 6



W.A.(MD)No.915 of 2025

JUDGMENT

[Judgment of the Court was delivered by **S.SRIMATHY, J.**]

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This Writ Appeal is directed against the order of this Court dated 02.09.202 made in W.P.(MD)No.15783 of 2022.

2.It is the case of the writ petitioner that one D.P.Vijila, who was working as P.G. Assistant (Tamil) in the 2nd respondent school died. In the said vacancy the writ petitioner was appointed on 01.12.2021 and the school had submitted a proposal to the 2nd appellant, seeking approval for the appointment of the writ petitioner. However, the same was rejected, vide proceedings dated 19.05.2022, citing the pendency of SLP(C)No.015702 of 2021. Therefore, the writ petitioner had filed the said Writ Petition.

3.The Writ Court, considering the judgment rendered in the case of ***Secretary to Government and others vs Iruthaya Amali and another*** reported in ***2021 SCC Online Mad 1285***, allowed the Writ Petition, directing the appellants to grant approval for the appointment of the writ petitioner. Aggrieved by the same the present Writ Appeal is preferred.

4.Heard the Learned Counsels appearing on either side and perused the materials available on record.

Page 2 of 6



W.A.(MD)No.915 of 2025

WEB COPY

5.The contention of the writ petitioner is that the as per the aforesaid judgment in *Iruthaya Amali's case* for the purpose of fixing the staff strength of a school, the concerned school shall be the unit and not the educational agency / joint management / corporate management. In the present case, there is no surplus in the present school and also in the corporate management. However, the appellant submitted that there are surplus in the revenue district, hence, the appellants have rejected the approval.

6.It is seen as per 2024-2025, there are 105 surplus teachers in P.G. Assistant post in aided schools in entire Tamil Nadu and Chennai is not included in the said data. As far as P.G. Assistant (Tamil), there are 20 surplus teachers in P.G. Assistant (Tamil) post in aided schools in entire Tamil Nadu and Chennai is not included in the said data.

7.In the present case, the appointment is in P.G. Assistant (Tamil). In Kanyakumari Revenue District, the total P.G. Assistants (all subjects) surplus is 39 and surplus teachers in P.G. Assistant (Tamil) are 4. The said four surplus is only in the minority institutions alone and not in the non-minority institutions. The relevant data for Kanyakumari Revenue District is extracted hereunder:

Page 3 of 6



W.A.(MD)No.915 of 2025

2024-2025 PG EXCESS DETAILS

மாவட்டம் : கன்னியாகுமரி

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Management category	உபரி பணியிடங்கள்																
	தமிழ்	ஆங்கிலம்	மலையாளம்	கணினித் தம்	இயற்பியல்	வேதியியல்	உயிரியல்	விவசாயம்	தாவரவியல்	வணிகவியல்	பொருளியல்	கணக்குபதிவியல்	வரலாறு	புவியியல்	வணிககணிதம்	உட்கல்வி இயக்குநர்நிலை I	மொத்தம்
Minority	4	4	3	3	2	1	0	1	1	0	0	0	0	0	0	9	28
Non-Minority	0	2	0	1	2	1	0	1	1	0	0	0	0	0	0	3	11
Total	4	6	3	4	4	2	0	2	2	0	0	0	0	0	0	12	39

8.Since the writ petitioner was appointed on 01.12.2021 and the surplus is for the subsequent academic year 2024-2025, therefore, the appointment of the writ petitioner ought to be approved. However, in future if the school needs any P.G. Assistant (Tamil), then the school shall choose from the four surplus in P.G. Assistant (Tamil).

9.It is made clear that by the above direction the minority status of the school will not be affected, since the minority schools are extending their supportive hand to the Government to fulfil their social responsibility. Further, it



W.A.(MD)No.915 of 2025

is only a temporary situation, once the surplus becomes 'Nil' then the schools would get their right to appoint teaching staffs.

10.With the above observation, this Writ Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
08.04.2025

NCC : Yes / No
Index : Yes / No

Yuva



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W.A.(MD)No.915 of 2025

J.NISHA BANU, J.
AND
S.SRIMATHY, J.

Yuva

W.A.(MD)No.915 of 2025

08.04.2025