



W.A.(MD)No.882 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

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**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.882 of 2020

and

C.M.P.(MD)Nos.4837 of 2020 & CMP(MD)No.17210 of 2023

- 1.The District Elementary Educational
Officer,
Ramanathapuram Education District,
Ramanathapuram.
 - 2.The Additional Assistant
Elementary Educational Officer,
O/o. The Assistant Elementary
Educational Office,
Kamuthi, Ramanthapuram District. ... Appellants / Respondents
- vs.
- 1.C.Sakaya Kala ... 1st respondent / petitioner
 - 2.The Correspondent,
RC.Primary School,
Thirusiluvaipuram,
Perunali,
Ramanathapuram District. ...2nd Respondent / 3rd respondent



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 07.03.2019 passed in WP(MD)No.6779 of 2018 in WP(MD)No.6779 of 2018.

For Appellants : Mr.C.Venkateshkumar,
Special Government Pleader

For Respondents : Mr.S.Balamurugan for R1

Mr.V.Paneerselvam for R2

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The department is on appeal challenging the order dated 07.03.2019 passed by the learned Single Judge allowing WP(MD)No. 6779 of 2018 filed by the first respondent herein. The first respondent herein was appointed as Secondary Grade Teacher in the second respondent school with effect from 21.06.2016. The second respondent school is an aided minority institution. It comes under the corporate management of Roman Catholic Diocese, Sivagangai. It is true that the writ petitioner was appointed in the vacancy caused on account of the transfer of one Vanakkarani. Application for approving the writ petitioner's appointment was rejected by the competent authority.



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Therefore, she filed WP(MD)No.6779 of 2018. The learned Single

Judge disposed of the writ petition in the following manner :

“6.Considering the facts and circumstances of the case and having regard to the submissions made on either side and also taking note of the decisions cited on the side of the petitioner, this Court directs the first respondent to consider the proposal resubmitted by the third respondent on 02.02.2018 and grant approval for appointment of the petitioner as Secondary Grade Teacher in the third respondent school, at the earliest. As and when the approval is granted, considering the surplus strength, deployment order is to be given forthwith by the management with immediate effect.”

2.The question that has to be answered in this appeal is whether the direction given by the learned Single Judge for approving the petitioner's appointment is sustainable?. A mere reading of the direction of the learned Single Judge indicates that during the relevant time there were surplus teachers in the schools run by the corporate management in question. That is why, a direction was given for granting approval and thereafter, deploy the teacher elsewhere. When there are surplus teachers in the schools run by the corporate management, without exhausting the



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same, the management ought not to have resorted to have fresh appointments. A mere reading of the counter affidavit filed by the department indicates that crores and crores of rupees was being unnecessarily spent towards paying salary to the surplus teachers without extracting any work from them.

3.In this view of the matter, we set aside the order impugned in this writ appeal. The counsel for the management as well as the writ petitioner pointed out that when a similar issue had arisen in WA(MD)No.722 of 2020 on 12.08.2025, this court had taken the view that approval can be granted with effect from the date of allowing of the writ appeal. We had taken such a stand because in that case appointment was made after taking prior permission from the department. In the case on hand, no such prior permission was obtained and that therefore it will not come to the petitioner's rescue.

4.This writ appeal is allowed. No costs. Connected miscellaneous petitions are closed.

**(G.R.S. J.,) & (K.R.S. J.,)
13.08.2025**

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