



WP(MD). No.25457 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 04/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.25457 of 2025
and
W.M.P.(MD).No.19936 of 2025

A.Selvi

... Petitioner

Vs

- 1.State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai-9.
- 2.The Director of School Education,
DPI Campus, Chennai-6.
- 3.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 4.The District Educational Officer (Secondary),
Thoothukudi District,
Thoothukudi.
- 5.The Correspondent,
TDTA Perianayagam Higher Secondary School,
Pudukottai-628 103.
Thoothukudi District.

... Respondents



WP(MD). No.25457 of 2025

PRAYER :-

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the fourth respondent herein Moo. Mu. No. 4362/A2/2020 dated 26.11.2020 and consequently proceedings issued by the third respondent herein vide in Na. Ka. No. 270/Aa4/2025 dated 22.04.2025. and quash the same and further direct the third respondent herein to approve the appointment of petitioner as BT Assistant Science in the fifth respondent school w.e.f., 01.11.2018 instead of 01.11.2024 and disburse grant-in-aid towards salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan,
Advocate.

For R-1 to R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the fourth respondent herein Moo. Mu. No. 4362/A2/2020 dated 26.11.2020 and consequent proceedings issued by the third respondent herein vide in Na. Ka. No. 270/Aa4/2025 dated 22.04.2025.



WP(MD). No.25457 of 2025

and quash the same and further direct the third respondent herein to approve the appointment of petitioner as BT Assistant Science in the fifth respondent school w.e.f., 01.11.2018 instead of 01.11.2024 and disburse grant-in-aid towards salary and other attendant benefits.

2. Learned counsel for the petitioner would submit that the petitioner was appointed as a BT Assistant Science in the fifth respondent School in a vacancy that arose due to the retirement of the incumbent. Even though, the proposal for approval of appointment made on 01.11.2018 was forwarded, by proceedings dated 26.11.2020, the same had been returned indicating that without accommodating the surplus teachers, this appointment cannot be approved. He would further submit that aggrieved against the same, the petitioner had filed a writ petition in W.P.(MD)No.1952 of 2023 which was disposed of by this Court by order dated 01.02.2023, directing the fifth respondent school to send a fresh proposal for the appointment. Pursuant to which a fresh proposal was also sent but however, instead of approving the appointment from 01.11.2018, approval had been granted only with effect from 01.11.2024. He would submit that the surplus reason given



WP(MD). No.25457 of 2025

by the department cannot be applied to the petitioner, as the petitioner had been appointed on 01.11.2018 much before the cut off date namely the judgment made in W.A(MD)No.76 of 2019 etc., batch, dated 31.03.2021. This aspect has been thoroughly over looked by the respondents and therefore he seeks indulgence of this Court.

3. Countering his argument, Mr.N.Satheesh Kumar, learned Additional Government Pleader would submit that this Court in W.P. (MD)No.1952 of 2023 had recorded the submission made by the learned counsel appearing for the petitioner that it would be suffice for the petitioner to be granted with an approval after all the surplus teachers are deployed and that if any other vacancy is available, the petitioner could be granted with approval. Therefore, he would submit that the respondent finding that a vacancy arose in the fifth respondent school, due to the superannuation of the incumbent BT Science Teacher on 30.10.2024, granted approval to the petitioner with effect from 01.11.2024. In view of the concession given by the petitioner in the said writ petition, the petitioner cannot seek retrospective approval that is from the date of her original appointment, as such the claim would be



WP(MD). No.25457 of 2025

barred by principles of estoppel. Hence he prays this Court to dismiss the writ petition.

4. In reply, learned counsel appearing for the petitioner would submit as against the order made in W.P(MD)No.1952 of 2023, the petitioner had preferred a Writ Appeal in WA(MD)No.1208 of 2024 which had been disposed of along with a batch of Writ Appeals wherein the orders passed by the respective single Judges were set aside with direction to consider afresh. Hence, the respondents ought to have granted approval retrospectively and not from 01.11.2024 as claimed by the respondents.

5. I have considered the submissions made by the learned counsel appearing on either side.

6. Learned counsel for the petitioner had not disputed the undertaking given by the petitioner upon which WP(MD)No.1952 of 2023 was disposed of by this Court. An attempt has been made to rely upon a Division Bench judgment in which the petitioner's intra Court



WP(MD), No.25457 of 2025

appeal had also been disposed of. The Division Bench while disposing of the said Batch of Writ Appeals had categorically held that the judgment rendered by this Court in W.A(MD)No.76 of 2019 etc batch, would apply even for appointment made prior to the judgments. The petitioner claims by application of the said judgment, the petitioner's appointment on 01.11.2018 cannot be approved by the respondents as admittedly, there has been a surplus at the relevant point of time. Therefore, if the judgment is applied, the claim of the petitioner that the Division bench had set aside the order passed by the learned Single Judge and therefore, there is no estoppel against him, the petitioner will only be put in disadvantageous position, as by application of the said judgment, the approval could not at all have been granted by the respondents.

7. It is also to be noted that the petitioner had suppressed the fact of giving such concession before the learned Single Judge except to baldly averred that there was a direction to reconsider the issue. For the aforesaid reasons, this Court is not inclined to entertain the writ petition as filed by the petitioner.



WP(MD). No.25457 of 2025

WEB COPY

8. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous stands closed.

04.11.2025

NCC : yes /no

Index : yes / no

Internet : yes / no

pnn

To

- 1.The Secretary to Government, State of Tamil Nadu,
School Education Department, Fort St.George, Chennai-9.
- 2.The Director of School Education, DPI Campus, Chennai-6.
- 3.The Chief Educational Officer, Thoothukudi District, Thoothukudi.
- 4.The District Educational Officer (Secondary),
Thoothukudi District, Thoothukudi.



WEB COPY



WP(MD). No.25457 of 2025

K.KUMARESH BABU, J.

pnn

ORDER
IN

WP(MD). No.25457 of 2025

Date : 04/11/2025