



W.P.(MD).No.28434 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28434 of 2024

G.Maria Jeba

... Petitioner

Vs.

1. The District Educational Officer,
(Elementary)
Valliyur,
Tirunelveli District.

2. The Block Educational Officer,
Nanguneri,
Tirunelveli District.

3. The Correspondent,
R.C.Primary School,
Ilankulam Thatankulam,
Thirumalapuram Post,
Munichipatti Via,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner as Secondary Grade Teacher with effect from 06.06.2016 with salary and all consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam
For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher appointed in the third respondent School seeking a Mandamus to approve her appointment.

2. A perusal of the records reveal that the petitioner was appointed as a Secondary Grade Teacher on 01.06.2016 in the third respondent School by the Corporate Management. Along with the petitioner two other teachers were also appointed as Secondary Grade Teachers by the management on 20.04.2016 and 06.06.2016. The proposals were rejected by the authorities on 22.08.2016, on the ground that there are surplus teachers in the Corporate Management. The Management had filed W.P(MD) Nos.17930 to 17932 of 2016. Those writ petitions were allowed by this Court on 23.02.2017, directing the authorities to approve the appointment of the writ petitioner. However, in the writ order it was recorded that all the three appointees have not cleared TET examination.



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3. All the three teachers having already cleared the TET examination, filed Review Applications in Rev.Apl (MD) Nos. 31 to 33 of 2017. All those Review applications came to be allowed by way of separate orders on 27.06.2017, wherein the learned single Judge had directed the authorities to approve the appointment with effect from the date of their appointments. The orders passed in the review applications were challenged by the State in three Writ Appeals. The State has filed writ appeals before the Hon'ble Division Bench of this Court in W.A.(MD) Nos.236 and 237 of 2018 and W.A.(MD) No.96 of 2018. W.A.(MD) Nos. 236 and 237 of 2018, were heard separately and those writ appeals were dismissed. However, Writ Appeal in W.A(MD) No.96 of 2018 which was filed as against the order in favour of the writ petitioner, was tagged with the writ appeal in W.A(MD) 76 of 2019. While W.A.(MD) No.76 of 2019 was disposed of, no separate orders were passed in W.A(MD) No.96 of 2018, indicating whether the writ appeal is allowed or not. Taking advantage of this fact, the authorities have not chosen to approve the appointment of the writ petitioner.



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4. The learned counsel appearing for the petitioner herein had contended that one of the teachers who were appointed on 06.06.2016 in the same Corporate Management has been approved by the authorities by way of proceedings dated 21.02.2023. However, the petitioner, having been appointed on 01.06.2016, has not been approved on the alleged ground that the petitioner has been appointed to a surplus post.

5. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 herein had contended that the other two teachers are armed with the order of the Hon'ble Division Bench of this Court and therefore the authorities have decided to approve the appointment of those teachers. However, no positive order was passed in W.A.(MD) No.96 of 2019 and therefore, the authorities were not in a position to pass any order with regard to the petitioner.

6. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



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7. The facts narrated above will clearly indicate that though three Secondary Grade Teachers were appointed by the same Corporate Management, the authorities have chosen to approve the appointment of two teachers and have not passed any orders with regard to the appointment of the writ petitioner. It is pertinent to note that one Mrs.Christy Nadiya was appointed on 06.06.2016 and she has been granted approval. The petitioner who was appointed on 01.06.2016 with effect from 06.06.2016, has not yet been approved citing that she is a surplus teacher. Considering the fact that the petitioner has passed TET examination in August 2013 itself, the petitioner is fully qualified to be appointed as a Secondary Grade teacher.

8. In view of the above said deliberations, the first respondent is directed to approve the appointment of the writ petitioner with effect from 06.06.2016 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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9. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs.

24.01.2025

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

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R.VIJAYAKUMAR,J.

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