



WP(MD)No.26804 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 25.09.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.26804 of 2025 &
WMP (MD).No.20791 of 2025

P.Jaisy

... Petitioner

/vs./

- 1.The Director of School Education,
College Road, Chennai – 600 006
- 2.The Chief Educational Officer,
Kanyakumari District at Nagercoil – 629 001.
- 3.The District Educational Officer (Secondary)
Nagercoil, Kanyakumari District.
- 4.The Correspondent,
Ringletaube Higher Secondary School,
Mylaudy, Kanyakumari District.
- 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari,
No.71A, Dennis Street,
Nagercoil – 629 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to approve the appointment of petitioner as Sewing Teacher in the fourth respondent School namely, Ringletaube Higher Secondary School, Mylaudy, Kanyakumari District w.e.f., 29.01.2025 and disburse grant-in-aid towards her salary and other allowances and pass such further or other suitable order/orders.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.N.Satheeshkumar AGP for RR1 to R3

Mr.S.C.Herold Singh
Standing counsel for R4

ORDER

This Writ Petition had been filed to direct the respondents to approve the appointment of petitioner as Sewing Teacher in the fourth respondent School namely, Ringletaube Higher Secondary School, Mylaudy, Kanyakumari District w.e.f., 29.01.2025 and disburse grant-in-aid towards her salary and other allowances.

2. Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the



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respondents 1 to 5 and Mr.S.C.Herold Singh, learned Standing counsel appearing

for the fourth respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner was originally appointed as a Lab Assistant in the fourth respondent School, which was also approved by the Education Department. Thereafter, a vacancy arose in the fourth respondent school for the post of Sewing Teacher due to the retirement of the incumbent, the petitioner was promoted and appointed as a Sewing Teacher, as he had the necessary qualification in that regard on 29.01.2025. A proposal was forwarded to the second respondent herein by the fourth respondent Management on 30.01.2025, which was returned on 06.05.2025 seeking for certain particulars. On 11.06.2025, the fourth respondent had submitted the particulars and sought for approval of his appointment w.e.f., 29.01.2025. He would submit that the petitioner had personally met the 2nd and 3rd respondents on 23.07.2025 seeking to grant approval for his appointment as Sewing Teacher from the date of his appointment, however, no order has been passed.

4. He would further submit that it is also reliably understood that in view of the surplus in another school of the joint Management of the fifth respondent



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wherein the fourth respondent is also a part, the approval could not be granted.

He would submit that the post being a single post available in the school, the surplus in the another school management of which, the fourth respondent school belongs, cannot be put against the petitioner. That apart, he would submit that the new Rules envisaging management surplus as ordered by this Court in W.A.(MD)No.76 of 2019 etc., batch, had been held to be prospective by a Division Bench of this Court in W.A.(MD).No.1557 of 2023 in its order dated 21.09.2023 and he would further rely upon a judgment of the Division Bench of this Court made in W.A.(MD).No.282 of 2022, dated 24.10.2024, in support of his contentions. that if a single post of Sewing Teacher alone is sanctioned, the students strength cannot be counted to be declare that the post to be a surplus post. In that context, he would submit that the school in which Sewing Teacher was declared to be surplus, also had been sanctioned with one Sewing Teacher and therefore, on the students strength, such declaration of surplus is bad in law, in view of the judgment of the Division Bench of this Court and therefore, the same cannot be put against the petitioner to deny approval.

5. Countering his arguments, the learned Additional Government Pleader would contend that pursuant to the orders passed in W.A.(MD).No.76 of 2019



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etc., batch, the corporate management surplus would have to be followed and the

Corporate management of the school to the said redeploy the surplus Teacher available in one school to another school. That apart, he would submit that the appointment of the petitioner had been made only after the judgment rendered in the aforesaid case and therefore, the declaration of corporate surplus management would have to be necessarily taken, while the proposal of the approval of the petitioner's appointment is considered. Therefore, he would submit that the decision would be taken on the proposal sent by the fourth respondent within the time frame fixed by this Court.

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

7. The apprehension of the petitioner is that the petitioner's appointment may not be approved by the second respondent, as there has been a declaration of surplus, Sewing Teacher in one of the schools of the Corporate Management of which the fourth respondent forms part. It is the claim of the petitioner that the surplus Teacher that had been declared based upon the student strength in that school is bad, as it is a single post.



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8. The issue of declaration of surplus Teacher of a single post based upon the students strength is no longer *res integra* and the same had been held to be bad by judgments of the Division Bench of this Court in W.A.(MD).No.228 of 2023, dated 22.08.2024 and W.A.(MD)No.675 of 2024, dated 15.04.2024, as followed by another Division Bench of this Court in W.A.(MD).No.282 of 2022, dated 24.10.2024.

9. Admittedly, the proposal sent by the fourth respondent for the appointment of the petitioner as a Sewing Teacher in the school, is still pending with the second respondent. Hence, this Court is of the view that the second respondent should be directed to dispose of the said proposal, within a time frame. Before considering such proposal, the declaration of a single post should not be taken into account, as the Division Bench of this Court in the judgments referred supra, had held that such declaration of surplus of the single post teacher based upon the students strength is bad in law.

10. In fine, the Writ Petition is disposed of, with a direction to the second respondent to consider the proposal and pass orders on merits and in accordance with law. The proposal sent by the fourth respondent school for the approval of



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appointment of the petitioner herein in line with the observations made supra in paragraph 9. Such exercise shall be carried out by the second respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

24 .11.2025

Index : Yes / No
Internet : Yes / No
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To

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K.KUMARESH BABU, J.

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