



WEB COPY



WP(MD)No.28298 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2025**

CORAM:

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

W.P.(MD)No.28298 of 2025 &
WMP.(MD).No.22000 of 2025

K.Jasmine Sheeba

... 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,
Duthie Higher Secondary School for Girls
Nagercoil, Kanyakumari District.
- 5.The Corporate Manager,
CSI Corporate Schools,
CSI Diocese of Kanyakumari
No.71A, Dennis Street, Nagercoil – 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 3rd respondent District Educational Officer (Secondary) in O.Mu.No.6012/Aa2/2021, dated 01.02.2023, quash the same and



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further direct the respondents to approve the appointment of petitioner as Office Assistant in the fourth respondent school w.e.f., 01.10.2019, with all attendant benefits including arrears of salary and allowances, and pass such further suitable orders.

For Petitioner : Mr.Xavier Rajini

For Respondents : Mr.N.Satheesh Kumar AGP for RR1 to R3

Mr.S.C.Herold Singh for RR4 & 5

ORDER

This Writ Petition had been filed to quash the impugned proceedings issued by the 3rd respondent District Educational Officer (Secondary), dated 01.02.2023, and further direct the respondents to approve the appointment of petitioner as Office Assistant in the fourth respondent school w.e.f., 01.10.2019, with all attendant benefits including arrears of salary and allowances.

2. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Office Assistant in the fourth respondent School on 01.10.2019 due to the death of the incumbent. A proposal had been submitted for approval of the appointment and the order of appointment was refused to be approved under the order impugned herein on the ground that there has been a corporate surplus in the management of the schools to which the fourth



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respondent is part-off. He would submit that the Hon'ble Division Bench of this Court in W.A.(MD).No.76 of 2019, etc batch, by order dated 31.03.2021, had propounded the concept of corporate/joint management surplus teachers and that by a subsequent judgment, the same had been held to be only prospective and not retrospective.

3. On the other hand, Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents would rely upon the subsequent judgment of this Court in W.A.(MD).Nos.1668 of 2023 etc., batch, wherein the said surplus should be taken and the said judgment of the Division Bench in W.A.(MD).No.76 of 2019, etc batch would have been treated as retrospective and not prospective.

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

5. This Court had an occasion to deal with the said issue in W.P.(MD).No.25712 of 2024 and by order dated 14.10.2025, had held that the subsequent Division Bench judgment in W.A.(MD).No.1668 of 2024 etc batch cannot be a good law for the reasons indicated therein. Hence, the contentions



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raised by the learned Additional Special Government stands rejected and the orders impugned herein is liable to be set aside.

In fine, the Writ Petition is allowed and the impugned order is set aside and the respondents are directed to approve the appointment of the petitioner from the date of her appointment. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.10.2025

Index : Yes / No
Internet : Yes / No
pbn



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K.KUMARESH BABU, J.

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Order made in
W.P.(MD)No.28298 of 2025 &
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