



WP(MD). No.29054 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/11/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.29054 of 2025

and

WMP(MD)No.22524 of 2025

D.John Wessly

... Petitioner

Vs

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

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

3.The Correspondent,
TDTA Middle School,
Keelasivanthipuram,
Tirunelveli District.

... Respondents

PRAYER :-

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 pertaining to the order passed by the 1st respondent in his proceedings in Na.Ka.No.1530/A1/2024 dated 29.06.2024 in so far as



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denial of approval from 05.10.2017 to 19.04.2023 and quash the same and direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment ie., from 05.10.2017 with salary and all other consequential benefits.

For Petitioner : Mr. V.Panneer Selvam
Advocate.

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 1st respondent in his proceedings in Na.Ka.No.1530/A1/2024 dated 29.06.2024 in so far as denial of approval from 05.10.2017 to 19.04.2023 and quash the same and direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher from the date of appointment ie., from 05.10.2017 with salary and all other consequential benefits.

2. The petitioner herein was appointed on 05.10.2017 as Secondary Grade Teacher in a permanent sanctioned vacancy. However, the

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proposal sent by the third respondent school to the first respondent, through the second respondent was considered by the first respondent and her appointment was approved only from 20.04.2023 by indicating that the corporation management of the third respondent school had redeployed all the surplus teachers.

3. It is not disputed that the petitioner had been appointed on 05.10.2017, when the concept of corporate / joint management surplus has been envisaged except by a circular issued by the Joint Director which had no force of law. The Joint / Corporate Management Surplus for which guidelines were framed was made by the judgment of this Court in W.A(MD)No.76 of 2019 etc., batch on 31.03.2021 which had been held to be only prospective.

4. In view of the same, the impugned order on the premise that there was Corporate Management Surplus at the time when the petitioner was appointed cannot hold good for approving her appointment only from the subsequent date namely on which the Corporate Management teachers were all deployed.



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5. For the aforesaid reasonings, the Writ Petition stands allowed and the respondents are directed to approve the appointment of the petitioner from the date of her appointment ie., 05.10.2017 and such exercise shall be carried out by the first respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition stands closed.

06.11.2025

NCC : yes / no
Index : yes /no
Internet : yes / no

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To

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Tirunelveli District.

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3.The Correspondent, TDTA Middle School,
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K.KUMARESH BABU, J.

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ORDER
IN
WP(MD). No.29054 of 2025
and
WMP(MD)No.22524 of 2025

Date : 03/11/2025