



W.P.(MD).No.29155 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12-11-2025

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.29155 of 2025

and

WMP(MD).No.22577 of 2025

V.Elizabeth Sugantha

...Petitioner

Vs

1. The Director of School Education,
DPI Compound,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Palani Road,
Near Vanivillas Signal,
Dindigul - 624001.

3. The District Educational Officer (Secondary),
Palani Road,
Near Vanivillas Signal,
Dindigul - 624 001.

4. The Correspondent,
St. Joseph's Girls Higher Secondary School,
Dindigul - 624 001.

... 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 relating to the impugned proceeding issued by the



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2nd respondent herein vide in Na.Ka.No.8349/A2/2023 dated ..04.2025 (signed on 09.05.2025) and QUASH THE SAME and further DIRECT the 2nd respondent herein to approve the appointment of petitioner as BT Assistant Science in the 4th respondent school w.e.f., 06.06.2018 and disburse grant-in-aid towards salary and other attendant benefits, and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : M/s.A. Ajith Geethan

For Respondents : M/s.N.Satheesh Kumar,
Additional Government Pleader
For R1 to R3
M/s.A.Mohan
For R4

ORDER

This writ petition is filed challenging the proceeding issued by the 2nd respondent herein vide in Na.Ka.No.8349/A2/2023 dated ..04.2025 and seeking consequential direction to the 2nd respondent herein to approve the appointment of petitioner as BT Assistant Science in the 4th respondent school w.e.f., 06.06.2018 and disburse grant-in-aid towards salary and other attendant benefits.

2. The learned Counsel appearing for the petitioner would submit that the 4th respondent institution is a recognized religious minority institution. He would further submit that a vacancy had arisen in a



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sanctioned post due to the promotion cum transfer of the then incumbent to the post of PG Assistant. Such vacancy had arisen on 05.06.2018 which had led to the appointment of the petitioner as B.T. Assistant (Maths) with effect from 06.06.2018. The petitioner is a fully qualified teacher and the vacancy arisen in the said school is a sanctioned post. The 4th respondent school had submitted a proposal to the respondents for approval of the appointment of the petitioner and the same was returned by stating reason that the proposal was not supported by certifying that corporate management of which the school was part of does not have any surplus teachers. It is to be noted that the petitioner had been appointed as B.T.Assistant (Maths) with effect from 06.06.2018. The staff fixation made for the academic year 2018-2019 would indicate that there are 4 sanctioned posts in the Trichy District and that there are two vacancies available in the 4th respondent school, there has been no surplus declared during the said academic year. Therefore, there is no surplus teacher available in the said school. The concept of surplus teacher in the corporate/joint management was envisaged by this Court in W.P.(MD).No.76 of 2019 etc., batch cases which had held to be prospective and this Court had dealt with the said issue in W.P.(MD).No.25712 of 2024 and by order dated 14.10.2025,



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this court had held that the appointment prior to the judgement made in the aforesaid batch of cases would only be prospective and for appointment made before the said date, the department cannot invoke the concept of corporate/joint management surplus.

3. In view of the same, this Court is of the view that the impugned order returning the proposal submitted by the 4th respondent school is not correct. For the afore said reasons, this writ petition stands allowed and the order impugned in the present writ petition is quashed. There shall be a direction to the 4th respondent school to resubmit the proposal seeking approval of the appointment of the petitioner to the 2nd respondent /Chief Educational Officer and on receipt of such proposal without insisting issue of surplus, pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

12.11.2025

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

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K.KUMARESH BABU, J.

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