



WEB COPY

WA No. 195 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 195 of 2026

S.Jebamalar

W/o. Immanuel Jeyasingh Raja,

No 7-97/1, North Street,

Athisayapuram,

Rajagopalaperi,

Tirunelveli Dist.

..Appellant

Vs

1. The Director of School Education
DPI Compound,
College Road,
Chennai.
2. The Joint Director of School Education (Aided)
DPI Campus,
College Road,
Chennai.
3. The Chief Educational Officer
Tenkasi,
Tenkasi District.
4. The District Educational Officer
Tenkasi,
Tenkasi District.
5. The Block Educational Officer
Tenkasi,
Tenkasi District.



6. The Correspondent
T.D.T.A. Primary and Middle School,
Holy Immanuel Parsonage,
Athisayapuram,
Rajagopalaperi,
Tirunelveli District.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed in the WP No. 8267 of 2024 dated 09.12.2025.

For Appellant(s):	S.Chella Pandian
For Respondent(s):	Mr.J.C.Durairaj, Addl. Govt. Pleader for R1 to R5 R6-Notice dispensed with

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court Appeal has been directed against the order passed by the Writ Court, dated 19.12.2025 made in WP.No.8267 of 2024.

2. The Appellant was the Writ Petitioner, who was appointed as a Secondary Grade Teacher at the 6th respondent School in a sanctioned vacancy on 06.04.2017 which caused because of the earlier incumbent vacated the position. As such an appointment was made on 06.04.2017, since then, she has been working in the said school. When the proposal was sent by the school



Management on 15.09.2017 for approval , the official respondents have not approved the same therefore reminders have been sent on 15.03.2019 on 07.12.2020 and 14.06.2023, enclosing all the necessary supporting materials.

3. Despite that, since no orders have been passed, the Writ Petitioner/Appellant had filed writ petition in W.P.No.27419 of 2023, where, a direction had been given and based on the direction, the official respondents though had approved the appointment, but not from the date of the original appointment dated 06.04.2017, only from the date, that is 20.04.2023, i.e., after six years of the appointment. Challenging the same, the said Writ Petition was filed.

4. The reason given by the Official respondents for the belated approval of the appointment of the teacher concerned is that there has been excess teachers in the School or group of Schools as it is a Corporate Management and therefore re-deployment could have been made, without exploring the possibility of re-deployment, since the appointment had been made, the same could not be approved from the date of original appointment, that is 06.04.2017.

5. This position, though had been disputed factually, the learned Judge



who passed the order through the impugned order of the Writ Court, has simply stated that there has been surplus teachers in the years 2016-2017 and 2017-2018 to the extent of 36 and 48 respectively, there is a conflict in view between the Corporate Management and Educational Authorities to re-deploy the surplus teachers to the needy schools in this regard, the order passed by the official respondents giving approval of the teacher only from 20.04.2023 vide their order dated 09.07.2024 cannot be interfered with and by stating this, the learned Judge has dismissed the said Writ Petition through the impugned order.

6. We have heard Mr.S. Chella Pandian, learned counsel appearing for the appellant and Mr.J.C.Durairaj, learned Addl. Govt. Pleader appearing for the official respondents 1 to 5. In view of the order that is going to be passed in this Writ Appeal, notice to the 6th respondent is hereby dispensed with.

7. It is a settled law as the G.O.No.165, dated 17.09.2019 itself has been declared to be inoperative by a Division Bench judgment of this Court, therefore, what was the ban that has been imposed under G.O.No.165, dated 17.09.2019 cannot be employed against any appointment that has been made either prior to G.O.No.165 or even after G.O.No.165. Be that as it may.



8. In so far as the law that has been settled by the Division Bench judgment, it has been accepted by the Government and a compendium of guidelines issued by the Division Bench also, having been accepted, a Rule has been framed and has been implemented, whereby, it is the stand of the Government and the School Education Department that wherever there are surplus teachers, even then, if an appointment is made in a sanctioned post, immediately, the same has to be identified and re-deployed to a needy school.

9. This exercise ought to have been undertaken by the official respondents the moment on 15.09.2017, proposals are sent by the 6th respondent School seeking approval of the appointment made in respect of the writ petitioner/Appellant dated 06.04.2017.

10. When the proposal was sent as early as on 15.09.2017, it has been kept pending without passing any orders for years together and only after filing a Writ Petition, then only, in the year 2023, after getting orders, slowly the file seems to have got moved and only in the year 2024, that is on 09.07.2024, the orders have been passed only w.e.f. 20.04.2023. By thus, without any valid reasons, the date of approval has been deferred to six long years, i.e., from 06.04.2017 to 20.04.2023.



11. During this period, if at all, the official respondents found that there are any excess teachers in the school concerned, those teachers including the teacher in question appointed could have been identified and could have been re-deployed after giving approval. Any non re-deployment, even assuming there has been excess teacher, cannot be attributable on the Management of the School, but it can only be attributable on the officials of the Department concerned and therefore, for that purpose, the teacher concerned, who was appointed only in the sanctioned post cannot be suffered to get any service benefits including the monetary benefits.

12. All these aspects, since have not been considered in proper perspective by the learned Writ Court and thereby the Writ Petition, since has been dismissed without appreciating these factual matrix and legal position, we are inclined to interfere with the said order, thereby, the following orders are passed in this Writ Appeal:

(a) That the impugned order passed by the Writ Court is set aside.

(b) As a sequel, the proceedings issued in this regard, dated 15.12.2023 by the official respondents is quashed and a consequential direction is hereby issued to the official



WEB COPY

respondents to approve the appointment of the Appellant/writ petitioner with effect from the original date of appointment, i.e., from 06.04.2017 and on such approval since the teacher has been continuously working in the school, i.e., the 6th respondent school, the necessary monetary benefits be calculated and paid to her.

(c) Still if the authorities find that there is surplus teacher in the 6th respondent school, the same can be found out on the basis of the teacher-pupil ratio and it is open to the official respondents to re-deploy the teacher, i.e., the Appellant/writ petitioner to any nearby needy school either in the same Corporate Management or any other private Management in the District concerned or in any other nearby District.

(d) But that exercise of re-deployment in no way affect the service prospectus of the teacher concerned, as she is entitled to get the approval w.e.f original date of appointment i.e., from 06.04.2017. All such service benefits including the monetary benefits being calculated shall be paid to her as indicated above.

(e) The needful as indicated above shall be undertaken by the official respondents within a period of three months from the date of receipt of a copy of this order.



WEB COPY

WA No. 195 of 2



13. With all these directions, the Writ Appeal is ordered accordingly.

However, there shall be no order as to costs.

[R.S.K.,J.]

[S.S.A.,J.]

06-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No/

msr

To

1. The Director of School Education
DPI Compound,
College Road,
Chennai.
2. The Joint Director of School Education (Aided)
DPI Campus,
College Road,
Chennai.
3. The Chief Educational Officer
Tenkasi,
Tenkasi District.
4. The District Educational Officer
Tenkasi,
Tenkasi District.
5. The Block Educational Officer
Tenkasi,
Tenkasi District.



WEB COPY

WA No. 195 of 2



**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

mst

WA No. 195 of 2026

06-02-2026