



WEB COPY

WP No. 18821 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 18821 of 2026

&

WMP No. 20114 of 2026

S.Prabakaran

..Petitioner(s)

Vs

1. The Director of Elementary Education,
Chennai.
2. The District Educational Officer,
Elementary), Cuddalore District.
3. The Block Educational Officer,
Kumaratchi Union, Cuddalore District.
4. The Correspondent,
T.E.LC. Primary School, Periyar Street,
Chidambaram, Cuddalore District.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India seeking writ of certiorarified mandamus calling for the record pertaining to the order passed by the 3rd Respondent in his proceedings in Na.Ka.No.113 / A2 /2026, dated 02/02/2026 and quash the same and direct the respondents to approve the appointment of the petitioner as a Secondary Grade Teacher from the date of appointment i.e. with effect from 17/06/2021 and to pay the monetary benefits with all consequential benefits.

For Petitioner(s):

Mr.V.Panneer Selvam,
For M/s.C.S.Associates



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For Respondent(s):

Mr. A.R.Balaji
Government Advocate
R1 to R3

ORDER

This writ petition is filed for the following relief:

“To call for the record pertaining to the order passed by the 3rd Respondent in his proceedings in Na.Ka.No.113 / A2 /2026, dated 02/02/2026 and quash the same and direct the respondents to approve the appointment of the petitioner as a Secondary Grade Teacher from the date of appointment i.e. with effect from 17/06/2021 and to pay the monetary benefits with all consequential benefits.”

2. The petitioner was appointed as a Secondary Grade Teacher in the 4th respondent School by orders of the 4th respondent dated 05.02.2021. Accordingly, the petitioner joined the service in the post of the Secondary Grade Teacher on 17.06.2021. Thereafter, the 4th respondent school submitted a proposal on 12.07.2021, to the 2nd respondent through the 3rd respondent for approval of his appointment. However, the same was rejected stating that the said post was surplus post.



3. Challenging the rejection of approval for sanctioned post in the 4th

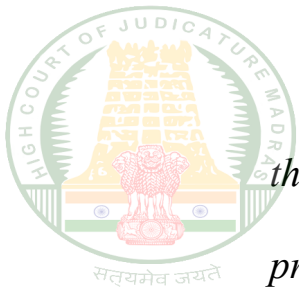
respondent School, the petitioner is before this Court.

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4. This Court in a similar case in **WA.(MD).No.1716 of 2024** dated **26.09.2024**, had observed as follows:

2.The order in the writ petition which is the subject matter of the appeal arose under the following circumstances:

The petitioner which is an aided minority institution is under a corporate management. A vacancy arose in one of the schools due to the retirement of one M.G.Mary Isabell who was a secondary grade teacher and the post was upgraded automatically as B.T.Assistant in terms of G.O.Ms.No.79, School Education Department, dated 14.06.2022. In the upgraded vacancy, the corporate management transferred one Sr.Roselet Mary as a B.T.Assistant in English, by its order dated 01.06.2017 and she joined the school on 08.06.2017. When approval was sought for the said appointment that came to be rejected on the ground that there was a surplus teacher in the school from the years 2017-2018 to 2019-2020. This order was passed on 02.07.2020, despite



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the fact that this Court had as early as on 21.03.2012 by its pronouncement made in S.Rasheetha Banu vs. State of Tamil Nadu, Represented by its Secretary to Government, Chennai and others held that the question of surplus will have to be taken on the date of appointment and not thereafter. It was also held that if the appointment is to a sanctioned post the fact that it becomes a surplus in view of subsequent reduction in student strength cannot be a ground for rejecting approval. In fact that the judgment in S.Rasheetha Banu vs. State of Tamil Nadu, Represented by its Secretary to Government, Chennai and others followed the pronouncement of Division Bench of this Court in W.A.(MD)No.703 of 2019. It is not in dispute that the judgment in S.Rasheetha Banu was not appealed against and it has become final. The appointment of Sr.Roselet Mary was on 08.06.2017. Therefore, it is within the period 2016-2017 for the purposes of staff fixation. The fact that at the staff fixation done during the month of August 2017 (2017-18), the student strength came down rendering one post as surplus cannot be a ground for rejecting approval. Therefore the only ground for



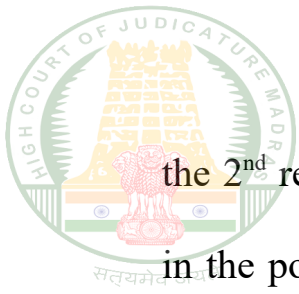
rejection of approval made out in the order impugned in the writ petition does not survive.

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3. Mr.S.P.Maharajan, learned Special Government Pleader would however contend that the modus adopted by corporate management in transferring a teacher and creating vacancy in another school is deplorable. There are several deplorable practices adopted both by the private managements as well as the Education Department and this Court has no power to control or curb the same. It is for the State Government to step in legislatively in order to curb such deplorable practices. We have to go by a law declared by this Court

5. In the said Judgement, it is held that if a person is appointed in a sanctioned post, the approval of appointment cannot be rejected and if there is fall in strength and the post become surplus, after granting approval of the post, the said teacher along with post could be transferred / deployed to a needy school.

6. The above judgement squarely applies to the facts of the instant case and accordingly the impugned order dated 02.02.2026 is quashed and



the 2nd respondent is directed to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent school with effect from 17.06.2021 with payment of salary and other service and monetary benefits, within a period of 3 months from the date of receipt of a copy of this order.

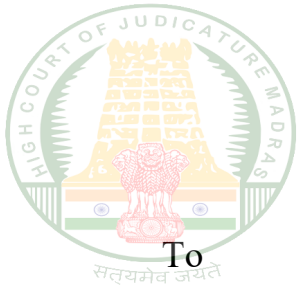
7. The learned Government Advocate on instructions would submit that after approval of the appointment of the petitioner, he should cooperate being accommodated in any school. The learned counsel for the petitioner would submit that the petitioner has no objection for the same after approval is granted.

8. With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

04-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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P.T.ASHA, J.

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