



WEB COPY

WP No. 22541 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 22541 of 2017

and

W.M.P.Nos.23670 of 2017 & 38206 of 2025

Mr.P.Aldrin Selvapandiayan
S/o.Pandiyarajan,
No.2, Palani Murugan Nagar,
Boothamoor, Vridhachalam,
Cuddalore District 606 001.

..Petitioner

Vs

1. The Government of Tamilnadu
rep. by its Secretary, Department of School
Education, Fort St. George, Chennai-9.
2. The Director of School Education, DPI
Campus, College Road, Chennai-6.
3. The chief Educational Officer, Cuddalore,
Cuddalore District.
4. The District Educational Officer,
Viruddhachalam 606 001.
5. The Correspondent Danish Mission Hr.Sec.
School, Pudukuppam, Virdhachalam 606 001.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of 4th respondent in Na.Ka.No.3812/A3/2016-4 dated 8.2.2017, quash the same to the limited extent of declaring one post of B.T. Assistant as surplus, consequently direct the respondents to approve the appointment of the



petitioner and to extend all benefits both service and monetary thereto.

For Petitioners:

Mr.R.Amardeep

for Mr.V.Antony Elangovan Raj

For Respondents:

Mrs.P.Raja Rajeswari

Government Advocate, for R1 to R4

Ms.G.Saranya, for R5

ORDER

The petitioner challenges the order dated 08.02.2017 bearing reference Na.Ka.No.3812/A3/2016-4 passed by the fourth respondent. By the said order, the post of B.T. Assistant (English), to which the petitioner was appointed, was declared surplus for the academic year 2016–2017.

2. The petitioner was appointed as B.T. Assistant (English) on 16.11.2016 in the fifth respondent school. The fifth respondent thereafter forwarded a proposal seeking approval of the petitioner's appointment. Upon receipt of the said proposal, the fourth respondent passed the impugned order.

3. Mr. R. Amardeep, learned counsel appearing for the petitioner, submitted that as on the date of appointment, the petitioner was appointed against a sanctioned vacant post and that the said post was not treated as surplus at that point of time. It was further contended that even assuming that the post was subsequently declared surplus, the respondents were bound to approve the appointment and thereafter redeploy the petitioner to a needy school, in accordance with law.

4. In support of his submissions, the learned counsel placed reliance on the decisions of the Hon'ble Division Benches of this Court in (i) ***W.A. No.253***



of 2025 [The Correspondent, Danish Mission Primary School v. The Director of Elementary Education, DPI Campus, College Road, Chennai and others]
and (ii) ***W.A.(MD) No.2134 of 2024 [The State of Tamil Nadu and others v. The Correspondent, St. Joseph's Convent Higher Secondary School].***

5. Per contra, the learned State Counsel submitted that as on 01.08.2016, based on the student strength, only one post of B.T. Assistant (English) was sanctioned and that the remaining post was treated as surplus by the impugned order. Therefore, according to the learned State Counsel, the petitioner having been appointed against a surplus post is not entitled to approval of his appointment, and the writ petition is liable to be dismissed.

6. The submissions advanced by the learned counsel appearing on either side and the materials placed on record have been duly considered.

7. In the counter affidavit filed by the fourth respondent, particularly in paragraph No.4, it is stated that the post of B.T. Assistant (English) became vacant on 31.05.2016 due to the retirement of the erstwhile incumbent and that the petitioner was appointed to the said post on 16.11.2016. It is also admitted that the petitioner has continued to work till the date of filing of the counter affidavit. However, the fourth respondent passed the impugned order dated 08.02.2017 stating that, on account of the reduced student strength, the post in which the petitioner was appointed was treated as surplus and consequently, the proposal sent by the fifth respondent seeking approval of the petitioner's appointment was rejected.

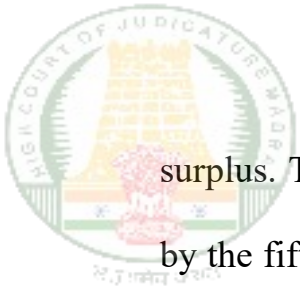


8. In a similar factual situation, the Hon'ble Division Bench of this Court in W.A. No.253 of 2025, following the judgments in ***Secretary to Government of Tamil Nadu, School Education Department, Fort St. George, Chennai-9 v. Iruthaya Amali and Commissioner of School Education v. Aided Muslim Committee Primary School, rep. by its Correspondent, S. Sheik Shajakhan Sithik***, has held that all appointments made prior to the date on which the post was declared surplus are liable to be approved and that, upon such approval, the Department is bound to take steps for redeployment of teachers to needy schools. It was further held that G.O. Ms. No.165, which prohibited approval of appointments in cases of surplus posts, had been rendered inoperative by this Court.

9. The Hon'ble Division Bench, while taking note of the decision in ***Iruthaya Amali***, further held that denial of approval on the ground of surplus teachers in a corporate management or in a stand-alone institution is permissible only on and from 31.03.2021, being the date of the judgment in the said case. In the present case, the petitioner was appointed prior to 31.03.2021 and is therefore entitled to the benefit of parity.

10. In the light of the above discussion, the petitioner is entitled to approval of his appointment as B.T. Assistant (English) in the fifth respondent school.

11. Accordingly, the writ petition is allowed. The impugned order dated 08.02.2017 is quashed insofar as it treats the post of B.T. Assistant (English) as



surplus. The fourth respondent is directed to reconsider the proposal forwarded by the fifth respondent and approve the appointment of the petitioner, subject to the petitioner satisfying all eligibility criteria.

12. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that the fourth respondent is at liberty to redeploy the petitioner to a needy school, in accordance with law.

13. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

20-01-2026

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

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2. The Director of School Education, DPI Campus, College Road, Chennai-6.
3. The chief Educational Officer, Cuddalore, Cuddalore District.
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HEMANT CHANDANGOUDAR, J.

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