

W.P(MD) Nos.5789, 5988 & 6013 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.06.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD) Nos.5789, 5988 & 6013 of 2026

and

W.M.P(MD)Nos.5015 & 5052 of 2026

W.P(MD)No.5789 of 2026

C.Alphonse Benarsi

... Petitioner

Vs.

1.The Director of Elementary School Education,
DPI Compound,
College Road,
Chennai.

2.The District Educational Officer (Elementary),
Sankarankovil,
Tenkasi District.

3.The Block Educational Officer
Melaneelithanallur Range,
Tenkasi District.

4.The Correspondent
R.C.Middle School,
Keelaneelithanallur,
Sithamparapuram Range,
Tenkasi District.

... Respondents



W.P(MD) Nos.5789, 5988 & 6013 of 2026

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PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in respect of order passed by 2nd respondent in Ni.Mu.No.1197/Aa2/2024 dated 01.07.2024 in so far as granting approval from 01.03.2024 and condition No.3 and quash the same as illegal and consequently direct the 2nd Respondent to approve the appointment of the petitioner from 10.02.2020 and disburse all the service and monetary benefits.

For Petitioner : Mr.S.Chella Pandian

For Respondents : Mrs.K.Porkodi
Government Advocate

W.P(MD)No.5988 of 2026

D.Easter Sornam

... Petitioner

Vs.

1.The Director of Elementary School Education,
DPI Compound,
College Road,
Chennai.



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

3.The Block Educational Officer
Palayamkottai,
Tirunelveli District.

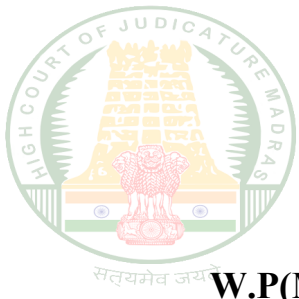
4.The Correspondent
S.T.C. Branch Pry School,
Melapalayam,
Tirunelveli District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in respect of order passed by 2nd respondent in Na.Ka.No.2257/A5/2024 dated 22.06.2024 in so far as granting approval from 20.04.2023 and condition No.3 and quash the same as illegal and consequently direct the 2nd Respondent to approve the appointment of the petitioner from 04.06.2019 and disburse all the service and monetary benefits.

For Petitioner : Mr.S.Chella Pandian

For Respondents : Mrs.K.Porkodi
Government Advocate



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W.P(MD)No.6013 of 2026

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Anthony Jeniba

... Petitioner

Vs.

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DPI Compound,
College Road,
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2.The District Educational Officer (Elementary),
Tenkasi District,
Tenkasi.

3.The Correspondent
R.C. Primary School,
Devipattinam,
Vasudevanallur Range,
Tenkasi District.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records in respect of order passed by 2nd respondent in Na.Ka.No.956/A1/2024 dated 01.07.2024 in so far as granting approval from 01.03.2024 and condition No.3 and quash the same as illegal and consequently direct the 3rd Respondent to approve the appointment of the petitioner from 18.11.2019 and disburse all the service and monetary benefits.



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For Petitioner : Mr.S.Chella Pandian

For Respondents : Mrs.K.Porkodi

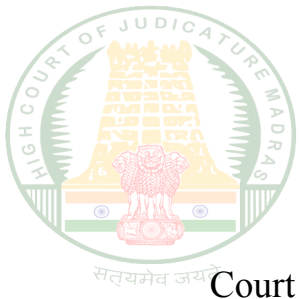
Government Advocate

COMMON ORDER

The issue that arises for consideration in all these writ petitions is one and the same and as such they are taken up for consideration together and are being disposed of by this common order.

2. The Petitioners herein were appointed as Secondary Grade Teacher/BT Assistant in their respective schools during the year 2001 i.e., prior to 31.03.2021 and the proposals were submitted to the District Educational Officer concerned for approval of their appointments. However, the respective District Educational Officer through the impugned proceedings approved proposals, not from the date of their appointment, but from different subsequent dates, on which the surplus staff that were available under the same management were redeployed. It is aggrieved by the said impugned orders passed by the Respondent/ District Educational Officer, the petitioners are before this

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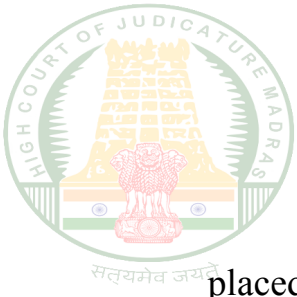
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Court contending that there was no mechanism to ascertain as to the availability of the surplus staff in the respective managements prior to 31.03.2021, that is the date on which certain guidelines were laid down by a Division Bench of this Court in W.A.(MD)MNo.76 of 2018 dated 31.03.2021 (hereinafter referred to as “Iruthaya Amali’s case”) and therefore, the same cannot be a ground to approve the appointment of the petitioners from a later date than the date of actual appointment.

3. The learned counsel for the petitioners also placed reliance on the decision of the learned Division Bench of this Court in W.A.(MD)No.2733 of 2025 dated 09.01.2026 and also a decision of a Coordinate Bench of this Court in W.P.(MD)No.21064 of 2025 dated 16.10.2025.

4. On the other hand, Mrs.K.Porkodi, learned Government Advocate contended that the decision in Iruthaya Amali’s case was held to be retrospective and therefore, the said decision has application to the case of the petitioners as well and in support of her contention, she



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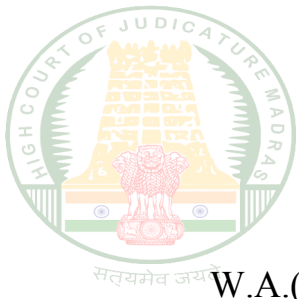
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placed reliance on a decision of the learned Division Bench of this Court in W.A.(MD)No.1011 of 2019 dated 27.11.2024.

5. This Court has carefully considered for submissions made on other side and also perused the entire material on record.

6. There is no dispute on factual aspects, especially, with regard to the actual date of appointment of the petitioners herein. In the absence of any factual dispute, the only issue that arises for consideration is, as to whether the decision rendered by the Division Bench of this Court in Iruthaya Amali's case has retrospective effect or not ? In case, if it is concluded that the said decision has retrospective effect, the impugned orders have to be upheld. Whereas, in case, if it is held that the said decision has prospective effect, the impugned orders to the extent of not granting approval from the date of actual appointment of the respective petitioners is to be held as bad in law.

7. It is no doubt, the Division Bench of this Court in



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W.A.(MD)No.1011 of 2019, by order dated 27.11.2024 held that the Iruthaya Amali's case is having retrospective effect and therefore, the appointments that were made prior to 31.03.2021 also have to comply with the requirement of accommodating the surplus staff at the first instance and then proceed to make appointments. But the said decision in W.A.(MD)No.1011 of 2019 has fallen for consideration before another Division Bench of this Court in W.A.(MD)No.2733 of 2025, wherein this Court, having taken note of the decision in W.A.(MD)No.1011 of 2019 and after having held that the said decision is *per incurium* for want of considering the earlier binding precedent has been pleased to hold, that the decision of Iruthaya Amali's case will not have application to the appointments that were made prior to 31.03.2021. So also the Co-ordinate Bench of this Court in W.P.(MD)No.21064 of 2025 held as under :

“2. It is not disputed that the petitioner had been appointed on 01.03.2018, when the concept of corporate/ joint management surplus has not been envisaged except by a circular issued by the Joint Director which had not force of law. The Join/ Corporate Management Surplus for which guidelines were framed was made by the



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judgment of this Court in W.A.(MD).No.76 of 2019 etc., batch on 31.03.2021 had been held to be only prospective.

3. 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.

4. 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 i.e., 01.03.2018 and such exercise shall be carried out by the second respondent within a period of eight (8) weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.”

8. As informed to this Court, the above order dated 16.10.2025 in W.P.(MD) No.21064 of 2025 has already given effect to and benefit has been extended to the petitioner therein.



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9. In the light of the above, taking into consideration the decision of the learned Division Bench of this Court, in W.A.(MD)No. 2733 of 2025, the petitioners herein are also entitled for the relief of approval of their appointment from the date of their initial appointment.

10. Accordingly, these Writ Petitions are allowed and the impugned orders are hereby quashed to the extent of not granting the approval of the appointment to the respective petitioners from the date of their initial appointment and consequently, the official respondents are directed to approve the appointment of the respective petitioners from the date of their initial appointment and issue consequential proceedings, as expeditiously as possible, at any rate, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No

NCC : Yes / No

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MUMMINENI SUDHEER KUMAR, J.

RM

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