



W.A(MD)No.331 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.331 of 2025
and
Connected Miscellaneous Petition

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
College Road DPI Campus,
Chennai - 600 006.
3. The Chief Educational Officer,
Tenkasi District,
Tenkasi.
4. The District Educational Officer,
Elementary Education,
O/o. District Educational Officer,
Tenkasi District,
Tenkasi.
5. The Block Educational Officer,
Kuruvikulam, Tiruvengadam Taluk,



W.A(MD)No.331 of 2025

WEB COPY Tenkasi District.

... Appellants

vs.

1. S.Anand Jebaraj

2. The Correspondent,
TDTA Primary School,
Kokkukulam, Kuruvikulam Range,
Thiruvengadam, Tenkasi District.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 09.08.2024 made in W.P(MD)No.21967 of 2023.

For Appellants : Mr.S.Venkatesh, Counsel for State
For R1 : Mr.S.Lenin Prabhu

JUDGMENT

[Judgment of the Court was made by **N.SATHISH KUMAR, J.)**

The present Writ Appeal has been filed by the State challenging order dated 09.08.2024 passed by the learned single Judge.

2. The writ petition was filed for a direction to approve the appointment of the writ petitioner in the 2nd respondent school and disburse all the service and monetary benefits. The Writ Petition came to be allowed.



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3. We have heard the learned counsel for State appearing for the appellants and the learned counsel for the writ petitioner. Both learned counsel would accede to the position that we have had occasion to consider their arguments on this very issue recently in the case of *The District Educational Officer (Elementary Education), Kovilpatti and anothers Vs. A.Hepsiba Beula and another* and that the order passed in that case would apply in the present matter as well. The said order is reads thus:

The present Writ Appeal has been filed against the order of the learned Single Judge in WP(MD).No.8845 of 2025, by and in which the learned Single Judge set aside the order of the first respondent and directed the first respondent to approve the appointment of the petitioner/first respondent herein with effect from her initial appointment, Dt 01.11.2018.

2. The brief facts, which are necessary for disposal of the present Writ Appeal is that, the 2nd respondent-School, is a minority institution, wherein one A.Manickaraj was functioning as a Secondary Grade Teacher in the Tamil subject. He retired on 31.08.2018. In his vacancy, the 2nd respondent-School appointed the first respondent on 01.11.2018. After her appointment, the 2nd respondent-School appears to have sent a proposal to the 2nd appellant for approval. However, the first appellant approved the appointment of the first respondent only from 07.08.2023 instead from her initial date of appointment qua from 01.11.2018. Felt aggrieved, the first respondent preferred a Writ petition before this Court in WP. (MD). No.8845 of 2025, where the learned Single Judge set aside the first appellant order by relying on the Division Bench judgement in *The Secretary to Government and 2 others Vs.Iruthaya Amali and another reported in (2021) 1 HCC (Mad) 713*. The learned Single Judge also found that the Judgement in



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Iruthaya **Amali's** case [cited supra] will only have the prospective effect, and that the first respondent was appointed on 01.11.2018, therefore the question of application of the compendium of schedule fixed in Iruthaya Amali's case [cited supra] will have no application. Aggrieved with the above order, the State preferred the instant Writ Appeal.

3. Heard Mr R. Baskaran, learned Additional Advocate General, assisted by Mr.J.Ashok, learned Additional Government Pleader appearing for the appellants, Ms.A.Amala, learned counsel appearing for the first respondent and Mr Isaac Mohanlal, learned Senior Counsel as Amicus Curiae.

4.(a).The learned Additional Advocate General appearing for the appellant would vehemently contend that the compendium of schedule fixed in **Iruthaya Amali's** case [cited supra] has set out certain timelines in respect of the appointment of the Teacher in the standalone School, as well as in the Schools that come under Corporate Management. It is his further submission that the 2nd respondent-School falls under Corporate Management, as its management oversees numerous other schools. As of the date of the first respondent's appointment, there were surplus teachers. However, the 2nd respondent, without redeploying those surplus teachers, has appointed the first respondent contrary to the principles enunciated in **Iruthaya Amali's** case [cited supra].

4.(b).It is also his further submission that the contention put forth by the first respondent that the principles enunciated under the **Iruthaya Amali's** case [cited supra] will have only the prospective effect, is contrary to the settled legal principles, as every judgment of the Constitutional Courts will have a retrospective effect, as the Courts are only interpreting the existing Statute. In support of his contention, the learned Additional Advocate General would rely upon the judgment of the Apex Court in **Kanishk Sinha & Another Vs.The State of West Bengal & Another reported in 2025 Supreme (SC) 411**. The learned Additional Advocate General would further contend that a TET qualification is a mandatory requirement for the appointment of a teacher. However, the learned Single Judge,



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without going into all these aspects, has summarily allowed the writ petition at the admission stage itself. Hence, prayed to interfere with the same.

5. Per contra, Mr.Isacc Mohanlal, the learned Senior counsel as amicus would vehemently contend that the ratio of **Iruthaya Amali's** case [cited supra] will have only a prospective effect as the Court has set out a new norms by way of a compendium of Schedule, and such a schedule cannot be enforced retrospectively. It is the further submission of the learned Senior Counsel that this Court in various judgments has categorically held that the redeployment of surplus teacher will come into operation only after the judgment of **Iruthaya Amali's** case [cited supra], and that any prior appointments were protected, and such appointments are not bound by the schedule stipulated in **Iruthaya Amali's** case [cited supra]. It is his further contention that the judgment relied on by the learned Additional Advocate General to substantiate their case of retrospectivity is not applicable to the present facts of the case. He would further contend that there are no grounds to interfere with the orders of the learned Single Judge. Hence, prayed to dismiss the Writ Appeal.

6.The learned counsel for the respondent also adopted the argument of the amicus.

7. We have given our anxious consideration to either side's submissions.

8. Before we delve into the disputed fact, let us assimilate the admitted fact. The following are the admitted facts:-

- (i)The 2nd respondent-School is a minority Institution and comes within the Corporate Management,
- (ii)After the retirement of one Mr A.A. Manickaraj, a vacancy has arisen in the cadre of Secondary Grade Teacher (Tamil).
- (iii) The first respondent was appointed in that vacancy, vide order dated 1.11.2018.
- (iv)It is a further admitted fact that the 2nd respondent-School has sent a proposal for approval of the appointment of the first respondent vide their letter dated 07.11.2018,
- (v)But approval was not granted from the actual date of appointment, but on a later date from 07.08.2023.



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9. Now, let us delve into the disputed facts. The main ground urged by the appellant to approve the appointment on later date i.e., from 07.08.2023 is that, the 2nd respondent School has completed the process of redeployment of the surplus teacher only on 07.08.2023. It is in this background, they would contend that, though the first respondent was appointed prior in point of time, by virtue of the ratio laid down in **Iruthaya Amali's** case [cited supra], taking the redeployment date as the cut-off date, the first respondent's appointment was approved with effect from 07.08.2023. Accordingly, the appellant contended that there is no illegality in the order impugned before the Writ Court.

10. In view of the above specific stand, now the entire issue revolve around to identify, whether the compendium of schedule fixed in the **Iruthaya Amali's** case [cited supra] would be applicable retrospectively or prospectively. The judgment in **Iruthaya Amali's** case [cited supra] was rendered on 31.03.2021, and in paragraph 95 of the order, the Division Bench stipulated a compendium of schedules as to how the appointment of a teacher is to be undertaken in the aided educational institution. The Court has fixed various cut-off dates, so as to identify the vacancies and surplus. For ready reference, this Court deems it appropriate to extract the relevant paragraph of **Iruthaya Amali's** case [cited supra] hereunder:-

“95. In view of the aforesaid discussions, we are inclined to pass the following orders in this batch of cases:

“(a) For the purpose of fixing the students-teacher ratio, the provisions of RTE Act followed by the GO passed in this regard shall be taken as the basis and the student pupil ratio shall be either 1:30 or 1:35 as the case may be as per the provisions of RTE Act.

(b) For the purpose of fixing the staff strength of a school, school shall be the unit and not the educational agency/joint management/corporate management.

(c) Once the staff strength is fixed in a particular academic year of a school, it is the duty of the educational authorities to identify the excess staff and once the excess staff are identified, the same shall be intimated to the school



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concerned as per the compendium of schedule and thereafter, take steps to redeploy those excess staff to the needy school.

(d) Once the excess staff are identified and after keeping the institution intimated, if those excess staff are redeployed to the needy school within a stipulated time as per the compendium of schedule, the redeployed staff shall join duty in the redeployed school.

(e) The following compendium of schedule, for the aforesaid purpose i.e. for fixing the teaching staff, identifying the excess teaching staff and to redeploy the identified excess teaching staff to the needy school, are framed as hereunder:

(f) Compendium of schedule:

(i) Closing of admission for the purpose of fixation of staff strength - 31st July of that academic year.

(ii) Fixation of staff strength of the school concerned, based on the student strength as on 31st July as per the strength of the pupil updated in the EMIS - 10th August.

(iii) The aforesaid fixation of staff strength of the school shall be intimated to the school on or before 15th August.

(iv) On receipt of information from the Department, the school concerned shall give its objection if any, based on the teacher-pupil ratio on such fixation of staff strength by 25th of August.

(v) On receipt of such objection, if any, from the school concerned, the final order of fixing the staff strength of the school, with the provisional order for identification and redeployment of excess staff shall be passed by the Department by 5th of September. (vi) On receipt of such intimation of provisional order on identification and redeployment of excess staff, the school under corporate or joint management, shall act upon to give its consent to the redeployment of excess teacher concerned after keeping the teacher informed, to the department, by 15th of September.



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(vii) *On receipt of such reply/intimation from the school concerned, final redeployment order shall be made and communicated to the school from where redeployment is made with a copy marked to the teacher concerned and also to the needy school to which the deployment is to be made, by 25th September.*

(viii) *On receipt of such orders by the teachers who are redeployed, they shall report to the school where they have been redeployed, on or before 30th September.*

(ix) *After making this redeployment process, still excess staff are available, the Education Department shall take further effort, and those excess teachers still available at the hands of the Education Department to be redeployed to a needy school beyond the corporate management concerned i.e. to any school located in the same educational district or revenue district and even beyond which if still excess staff are available, they can be redeployed to any school beyond the Revenue District of course after getting the choice of such teacher concerned and that shall be completed by 10th October.*

(x) *Those teachers who got such redeployment within the revenue district or beyond the revenue district by orders to be issued on or before 10th of October, shall report duty to the school where they have been redeployed on or before 15th of October.*

(xi) *It is made clear that beyond 15th October of every academic year, no redeployment of teacher shall be made or given effect to.*

(g) *Once the teachers are redeployed from a particular school, after the joining time as provided under the compendium of schedule, the school from which the teacher has been redeployed cannot get teaching aid for the next month salary for that redeployed teacher and that salary shall be paid only through the school, where the teacher has been redeployed, for which, teaching grant shall be sent by the educational authorities only to the*



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needy school, where the teacher has already been redeployed.

(h) While identifying the excess staff for redeployment purpose as indicated above, regard has to be given that as far as possible junior most teacher shall be subjected to such redeployment. Also in case of high and higher secondary schools, while making such redeployment based on teacher-pupil ratio, regard has to be given to ensure that, atleast the minimum required teacher, for each subject being taught in the school, are in possession.

(i) Insofar as the teaching grant for the additional staff employed in the already aided school as on the Academic Year 1991-1992, irrespective of the medium of instructions or irrespective of the students strength, as per the teacher pupil ratio as indicated above especially in the context of RTE Act and subsequent GO issued in this regard, the staff fixation shall be made and for those additional teaching staff, who are pressed into service for additional standard or additional class started, from the Academic Year 2021-2022, staff grant shall be sanctioned by the State Government as such sanctioning of staff grant will be the essential requirement to meet the object of the provisions of the RTE Act, otherwise, the Fundamental Right guaranteed to the children between the age of 6 and 14 studying in those schools would get affected.

(j) Irrespective of the medium of instruction, whether Tamil or English, such a staff grant for additional sections or standard shall be provided with the same condition as indicated above from the Academic Year 2021-2022.

(k) The State Government shall ensure that, the provisions of the Tamil Nadu Tamil Learning Act, 2006 are implemented in letter and spirit, of course subject to the judicial orders/court orders, if any, passed in this regard for giving exemption to a group or class of students as provided under Section 5 of the said Act.

(l) Until the Tamil Nadu Private Schools



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(Regulation) Act, 2018 and the rules to be made thereunder are given effect to, these set of directions issued in this order shall mandatorily be followed by the stakeholders i.e. both State Government as well as the educational institutions.

(m) Once the 2018 Act and the Rules to be made in this regard comes into effect and the issues which are covered under this order as per these mandatory directions are taken care, these mandatory directions shall be ceased to be in execution.

(n) In order to give effect to such comprehensive legislation i.e. 2018 Act, the work of framing necessary rules under the Act shall be completed as early as possible.

(o) In view of the aforesaid, the GOMs No. 165, School Education [Tho. Ka.2(1)] Department, dated 17-9-2019 is hereby declared to be inoperative.

(p) In view of the statistics given by the communication of the Director of school education and Director of Elementary Education, dated 28-10-2020, as the import of the same in entirety has already been quoted herein above, the Education Department shall take endeavour to identify the exact excess teaching staff in various category of schools i.e. government schools (panchayat union, municipality and corporation) primary and middle schools, government aided primary and middle schools, government high and higher secondary schools and aided high and higher secondary schools separately by taking into account the recent policy decision taken by the State Government, whereby the superannuation age of the government servants including the teachers was enhanced from 59 to 60, thereby there would be no superannuation of teachers for the next one year and accordingly, the correct statistics shall be made ready within a period of two months.

(q) Once the statistics of excess teaching staff under various category of schools as referred to above are made



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by taking into account the superannuation age of teachers as 60, such excess teaching staff identified in various category of schools with details of name of the school both government as well as private aided, shall be uploaded in the website/web portal of the school Education Department within the aforesated period of two months.

(r) Once such information are uploaded in the web portal by the Education Department, after verifying the same, the private aided schools, both minority and non-minority can point out any wrong information if given with regard to the identification of the excess teaching staff in the concerned school and such intimation or clarification can be given by the school concerned through the management to the DEO/CEO concerned within a period of one month thereafter.

(s) On receipt of such objections, information/clarification from the school concerned with regard to the alleged wrong information provided by the State Government/Education Department in the web portal as indicated above, the same shall be verified and rectified by the Education Department, within one month thereafter.

(t) This exercise shall be completed on or before 31-7-2021, so that the identification of excess staff and follow up action as indicated in the compendium of schedule herein above can be undertaken and be followed strictly.

(u) Till such excess teaching staff are identified under all category of schools as indicated above, no recruitment shall be made by the State Government/Education Department for the purpose of appointment of teachers under various categories like secondary grade teacher, graduate teacher, postgraduate teacher, language teacher, physical education teacher etc.

(v) Like that insofar as aided minority institutions are concerned, if it is a stand alone institution, their right of appointing a teacher in a vacancy within the sanctioned



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strength for the Academic Year 2021-2022 shall not be affected because of the identified excess teachers in other schools. At the same time, even if the school is a minority institution, however being administered by a joint management or corporate management, in respect of those schools, even though vacancy arose within the sanctioned strength of such school or schools under corporate management or joint management, those vacancies shall not be filled up unless the excess staff identified in all other schools under the same corporate or joint management are exhausted fully and only after exhausting the redeployment process on all excess teachers identified in the group of schools under the same corporate management, they shall be free to make appointment afresh from open market in the vacancy if any still, within the sanctioned strength.”

11.It is an admitted fact that the above judgment was assailed by the Government, before the Hon’ble Supreme Court in Special Leave Appeal (C)No.15702 of 2021. Wherein the Hon’ble Supreme Court upheld the compendium of schedule referred in paragraph 95 of the **Iruthaya Amali’s** case [cited supra]. At this juncture, it is appropriate to extract the relevant portion of the Apex Court judgment.

“4.The suggestion made by the two senior counsel to this Court is to relegate the parties to the pending proceedings in the Madras High Court. It is however submitted that the Division Bench should limit itself to the core direction given in sub-clause (i) of paragraph 95 of the impugned judgment dated 31.03.2021 in the Writ Appeal (MD).No.76 of 2019 and need not be concerned with the other aspects in the earlier judgment (31.3.2021).”

12. Therefore, it is apparently clear that the judgments rendered in Iruthaya Amali’s case [cited supra] dated 31.03.2021 was upheld by the Hon’ble Supreme Court in SLP (C) No.15702 of 2021 on 16.02.2024. In the case in hand, the appointment of the first



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respondent was made prior to the pronouncement of judgment in Iruthaya Amali's case [cited supra].

13.The learned Additional Advocate General would rely upon the Division Bench judgment of this Court in WA(MD).No.1011 of 2019 [The District of School Education Vs.The Correspondent] and the judgment in WA(MD).No.1668 of 2025 etc., batch [The State of Tamil Nadu Vs.R.Jino Robert and another] and would contend that the Iruthaya Amali's case [cited supra] will have a retrospective effect. In support of his contention, he would also rely upon the Apex Court judgment of Kanishk Sinha's case [cited supra], wherein the Hon'ble Supreme Court has categorically held that the judgment of the Courts will always have retrospective effect, unless the judgment itself specifically states otherwise. It is not in dispute that the prospective operation of a judgment would be rarely ordered by the Courts to avoid unnecessary burden to the persons, or to avoid undue hardship to those who had bona fide done something with the understanding of the law, as existed at the relevant point of time. Further, it is done not to unsettle something which has long been settled. By relying the above judgments, the learned Additional Advocate General would contend that, in the absence of any order to the prospectivity of the judgment of Iruthaya Amali's case [cited supra], the ratio of the above judgment will have retrospective application.

14.At this juncture, the learned Senior Counsel appearing as amicus would contend that the judgment of the Division Bench relied upon by the learned Additional Advocate General in WA(MD).No. 1011 of 2019 [The District of School Education Vs.The Correspondent] and WA(MD).No.1668 of 2025 etc., batch [The State of Tamil Nadu Vs.R.Jino Robert and another] did not consider and follow the earlier binding precedent of the co-equal bench, where the Co Equal Bench in WA. (MD).No.1557 of 2023 [State of Tamil Nadu and others Vs.C.Esakkimuthu and another] and WA.(MD).No.2134 of 2024 [The State of Tamil Nadu and others Vs. The Correspondent, St.Joseph's Convent Higher Secondary School] has categorically held that Iruthaya Amali's case [cited supra] will only have a prospective effect. Therefore would submit that those judgments relied by the



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appellant would be denuded from the status of precedent.

15. In support of his contention, he relied upon the judgment of Hon'ble Supreme Court in P.Suseela and others Vs. University Grants Commission and others reported in (2015) 8 SCC 129 and would invite the attention of this Court to the propositions laid down by the Hon'ble Supreme Court in paragraph 25. For ready reference, the same is extracted hereunder:-

“25. In SLPs (C) Nos. 3054-55 of 2014, a judgment of the same High Court dated 6-1-2014 [Vinay Singh v. Union of India, 2014 SCC OnLine All 175 : (2014) 103 ALR 192] again by a Division Bench arrived at the opposite conclusion. This is also a matter which causes us some distress. A Division Bench judgment of the same High Court is binding on a subsequent Division Bench. The subsequent Division Bench can either follow it or refer such judgment to the Chief Justice to constitute a Full Bench if it differs with it. We do not appreciate the manner in which this subsequent judgment (even though it has reached the right result), has dealt with an earlier binding Division Bench judgment of the same High Court. In fact, as was pointed out to us by the learned counsel for the appellants, the distinction made in para 20 between the facts of the earlier judgment and the facts in the later judgment is not a distinction at all. Just as in the 2012 judgment [Ramesh Kumar Yadav v. University of Allahabad, 2012 SCC OnLine All 667 : (2013) 4 All LJ 635] PhD degrees had been awarded prior to 2009, even in the 2014 judgment [Vinay Singh v. Union of India, 2014 SCC OnLine All 175 : (2014) 103 ALR 192] PhD degrees with which that judgment was concerned were also granted prior to 2009. There is, therefore, no distinction between the facts of the two cases. What is even more distressing is that only sub-para (4) of the conclusion in the 2012 judgment [Ramesh Kumar Yadav v. University of Allahabad, 2012



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SCC OnLine All 667 : (2013) 4 All LJ 635] is set out without any of the other sub-paragraphs of para 105 extracted above to arrive at a result which is the exact opposite of the earlier judgment. This judgment is also set aside only for the reason that it did not follow an earlier binding judgment. This will, however, not impact the fact that the writ petitions in the 2014 judgment [Vinay Singh v. Union of India, 2014 SCC OnLine All 175 : (2014) 103 ALR 192] have been dismissed. They stand dismissed having regard to the reasoning in the judgment delivered by us today. In view of this pronouncement, nothing survives in Contempt Petitions Nos. 286-87 of 2014 which are disposed of as having become infructuous. The other appeals from the Delhi [All India Researchers' Coordination Committee v. Union of India, 2010 SCC OnLine Del 4304 : (2011) 121 DRJ 297] , Madras [P. Suseela v. UGC, 2010 SCC OnLine Mad 6041 : (2011) 2 CTC 593] and Rajasthan [Ravindra Singh Shekhawat v. Union of India, 2012 SCC OnLine Raj 2751] High Courts are, consequently, also dismissed. There shall be no order as to costs."

16. From the reading of the above judgment, it is amply clear that when the subsequent co-equal Bench has got any doubt in the opinion of the earlier Bench, it is expected to refer the same for the decision of the larger bench. If such a course is not adopted, the subsequent judgment will have no precedent value. As we already stated, in the case in hand, the main fulcrum of the issue rests upon the prospectivity or retrospectivity of Iruthaya Amali's case [cited supra]. Admittedly earlier division bench relied by the respondent held that Iruthaya Amali's case [cited supra] will have only a prospective application.

17. It is a settled principle of law that any judgment which interprets the statute, then the principles enunciated in the said judgment will have a retrospective effect, as it is understood that,



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though the judgment delivered at a later point of time they are only interpreting the existing statute. But in the case in hand, the very compendium of the schedule was formulated by this Court through the judgment dated 31.03.2021. The harmonious reading of the entire judgment, more specifically paragraph 95, would demonstrate that this Court has formulated new norms by fixing cut off dates, to weed out the anomaly that subsists in the appointment of teachers in the Aided Educational institutions. The above position was already clarified by the Division Bench of this Court vide order dated 21.09.2023 in WA.(MD).No.1557 of 2023 [cited supra] and vide order dated 29.10.2023 in WA(MD).No.2134 of 2024 [cited supra].

18. It is pertinent to mention here that, the order in WA.(MD).No. 2134 of 2024 [The Correspondent, St.Joseph Convent Higher Secondary School] has been rendered subsequent to the confirmation of Iruthaya Amali's case [cited supra] by the Hon'ble Supreme Court. It is also relevant to refer the yet another Division Bench judgment of this Court in WA.(MD).No.1557 of 2023 [State of Tamil Nadu and others Vs.C.Esakkimuthu and another] dated 21.09.2023, which was referred by the subsequent Division Bench in WA.(MD).No.1011 of 2019 [The District of School Education Vs.The Correspondent], but did not discuss as to why the said principles are per incuriam. In Esakkimuth's case [cited supra], the Division Bench of this Court has gone into these aspects very elaborately, and after referring to the Supreme Court judgment in Goan Real Estate & Construction Ltd. v. Union of India, reported in (2010) 5 SCC 388 held that whenever a new norm is fixed, the applicability of the judgment will have prospective in nature.

19. In the case in hand, only by virtue of the judgment dated 31.03.2021, the compendium of schedule was determined. Furthermore, in Esakkimuth's case [cited supra], the Division Bench, after going into various aspects, by a reasoned order, has held that Iruthaya Amali's case [cited supra] will have the prospective application, in view of fixation of the new norm. Therefore, when the earlier Division Bench has given ample reason to justify its conclusion for the prospectivity of the Iruthaya Amali's case, we do not want to venture into the said issue once again. Therefore, we also



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hold that Iruthaya Amali's case [cited supra] will have only the prospective application.

20. At this juncture, it is appropriate to refer the constitutional Bench judgment of the Hon'ble Supreme Court in National Insurance Company Limited Vs. Pranay Sethi and others reported in (2017) 16 SCC 680, where the Hon'ble Supreme Court has categorically reiterated that the earlier judgment of co equal bench will be binding upon the subsequent co-equal Bench, and the if the bench do not follow the earlier binding present then the subsequent judgment will become per incuriam.

21. In the case in hand, admittedly the petitioner was appointed on 01.11.2018 well prior to the judgment in Iruthaya Amali's case [cited supra], and on the date of her appointment, there were no norms as to how the surplus teacher is to be identified and redeployed. Further, in the case in hand, the first respondent had TET qualification on the date of his initial appointment. Therefore, she was fully qualified to be appointed as a teacher. Thus, this Court is of the firm view that the first respondent's appointment is to be approved from her initial date of appointment. Thus, the judgment of the learned Single Judge is in conformity with the settled principle of law, and we absolutely does not find any ground to interfere with the same.

22. In the result, this Writ Appeal stands dismissed. No costs. Consequently, connected CMP is also closed."

4. In light of the above, this Writ Appeal is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
16.06.2026

NCC : Yes / No

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N.SATHISH KUMAR,J.
and
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ORDER MADE IN
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