

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1733 of 2015
and
M.P.No.1 of 2015

- 1.The Government of Tamil Nadu
rep. by its Principal Secretary to
Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 9.
 - 2.The Director of Elementary School
Education, DPI Campus,
College Road, Chennai - 6.
 - 3.The District Elementary Educational
Officer, Cuddalore District.
 - 4.The Assistant Elementary Educational
Officer, Kammapuram Block,
Cuddalore District - 606 103.
- .. Appellants

Vs.

- 1.R.Bavani
 - 2.The Manager,
Aided Primary School,
Palakollai and Post, Kammapuram Block,
Cuddalore District.
- .. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 24.04.2015 made in M.P.No.3 of 2014 in W.P.No.26201 of 2014 Petition praying that in the Circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue an interim direction, directing the 3rd and 4th respondents to give temporary approval for appointment of the petitioner as Secondary Grade Teacher in the Aided Primary School, Palakollai Post Kammapuram Block,

Cuddalore 606 115 and pay arrears of the Salary from her date of appointment that is Since 01/12/11 (in m.p 3/14) pending disposal of the above W.P.No.26201 of 2014

For Appellants .. Mr.K.Karthikeyan,
Govt. Advocate

For Respondents .. Ms.M.Arulmangai

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

Ms.M.Arulmangai, learned counsel accepts notice on behalf of the respondents. With the consent of the learned Government Advocate appearing for the appellants and the learned counsel appearing for the respondents, the writ appeal is taken up for final disposal at the admission stage itself.

2.The instant appeal arises out of the order dated 24 April 2015 rendered in M.P.No.3 of 2014 in W.P.No.26201 of 2014.

3.The learned single Judge, relying on the interim order dated 17 June 2013, passed in M.P.Nos.1 to 1 of 2013 in W.P.Nos.16203 to 16206 of 2013, directed the appellants/respondents 1 and 2 therein to grant approval for appointment of the writ petitioner/first respondent herein, as Secondary Grade Teacher and pay salary to the writ petitioner, in view of the order dated 29 April 2013 made in M.P.(MD) No.1 of 2013 in W.P.(MD) No.2722 of 2013, pending disposal of the main writ petition.

4.A Division Bench of this Court wherein one of us (Satish K. Agnihotri, J.) was a Member, while examining the identical question of law in T.S.Tulasi Raman Vs. The District Elementary Officer, Vellore and Others¹ passed the following order on 03 November 2014:

"4.We have heard the learned counsel appearing for both sides and examined all aspects of the case, including the relevant provisions and the G.O.Ms.No.181 dated 15.11.2011. It is clearly provided in the said G.O. that the teachers working in the unaided private schools are required to pass teacher eligibility test within 5 years on the date when the said G.O. was issued. But, in the case of subsequent appointment, the candidate must pass the teacher

1 W.A. No.1413 of 2014

eligibility test before consideration for appointment and as such, there is no infirmity in the order sought to be questioned in the writ court. The order passed by the learned single Judge is perfectly in order, warranting no interference."

5.It appears that the aforestated judgment of the Division Bench was not brought to the notice of the learned single Judge, while passing the interim order. Thus liberty is given to the appellants to file an application for modification of the order in the light of the aforestated judgment passed by the Division Bench.

6.With the above observation, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Tp

The Principal Secretary,
Government of TamilNadu,
School Education Department,
Secretariat,
Fort St.George,
Chennai-9.

+lcc to Mr.Arulmangai, Advocate, S.R.No.68916
+lcc to the Government Pleader, S.R.No.69248

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ad(CO)
srg(12/01/2016)