

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2015

Coram

The Hon'ble Mr. Justice D.HARIPARANTHAMAN

W.P.No.15442 of 2015

T.Nirmala Rani

.. Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

2.The District Educational Officer,
Ponneri Education District,
Ponneri, Tiruvallur District.

3.The Superintendent of RC Schools,
Archdiocese of Madras - Mylapore,
Arch Bishop's House,
41, Santhome High Road,
Chennai - 4.

4.The Correspondent,
St. Paul's Mahajana Higher Secondary
School, Kaladipet,
Thiruvottiyur, Chennai - 19.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of mandamus directing the respondents 3 and 4 to forward the proposal to the second respondent for approval of appointment of the petitioner in the post of Tamil Pandit/BT Assistant (Tamil) in the fourth respondent school and consequently directing the second respondent to pass appropriate orders for approving the appointment of the petitioner from 16.12.2012 with consequential benefits including arrears of salary with interest, within a time frame to be fixed by this Court.

For Petitioner
For Respondents

.. Mr.G.Sankaran
.. Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader
for R1 & R2

ORDER

In view of the narrow prayer made during hearing, the writ petition is disposed of at the admission stage itself.

2.The petitioner passed old SSLC having 11 years, in March 1978 before the advent of higher secondary system. Thereafter, she obtained B.Lit. degree in Madras University in 1993. As per the letter of University of Madras dated 27.07.2010, she appeared for the entrance examination to qualify for admission to B.Lit. course. After she was successful in the entrance test, she was admitted in B.Lit. Course in Distance Education System of Madras University and she passed B.Lit. in 1996. Thereafter, she acquired M.A. (Tamil) in 2006. She also acquired B.Ed. qualification in April, 2008.

3.The petitioner, by order dated 01.06.2010, was appointed as B.T. Assistant (Tamil) in the fourth respondent school, the minority aided school in a regular vacancy that arose due to the retirement of one Ms.Yasoda Devi on 31.05.2010.

4.The proposal sent by the management to the second respondent was rejected on the premise that the petitioner studied neither 11 + 1 + 3 pattern nor 10 + 2 +3 pattern in getting degree i.e. having studied SSLC for 11 years, she should have studied P.U.C. Since the appointment of the petitioner was not approved, the fourth respondent expressed its inability to continue the petitioner in service. The same was informed by the fourth respondent in their letter dated 13.08.2010. In the meantime, the petitioner also passed +2 examination in December, 2012. While so, the fourth respondent management appointed one Thiru.Rajarajachozhan as B.T. Assistant (Tamil) in the place of the petitioner on 01.12.2010 and he worked in the school upto 15.12.2012 and he left the school. Hence the post became vacant on 16.12.2012.

5.According to the petitioner, even after 13.08.2010, she was continued as a management staff by the fourth respondent school. In these circumstances, she filed W.P.No.15355 of 2014 seeking for approval of her appointment from 01.06.2006. The said writ petition is still pending. Now, the petitioner has made a representation on 23.04.2015 to the second and fourth respondents to approve her appointment at least from 16.12.2012. According to the petitioner, she would retire from service on 31.01.2016 on reaching the age of superannuation.

6.According to the learned counsel for the petitioner, the Institute of Distance Education, University of Madras gave a letter dated 27.07.2010 that the petitioner had undergone preparatory programme for foundation course and passed the entrance test conducted by the Institute of Distance Education before she was admitted in B.Lit. Degree course during the academic year 1993-1996 under Open University System.

7.The learned counsel for the petitioner has submitted that the said B.Lit degree is a valid one as per the U.G.C. Regulations and particularly in view of my order dated 21.04.2014 in W.P.No.13054 of

2010 etc., batch. It is also submitted that the aforesaid order was confirmed by the Division Bench in W.A. (MD) No.642 of 2012 dated 01.04.2015 and hence the second respondent has to approve the appointment of the petitioner.

8.Now, the learned counsel for the petitioner seeks to dispose of the writ petition by issuing a direction to the third and fourth respondents to submit a proposal for approval of appointment of the petitioner as BT Assistant (Tamil) from 16.12.2012, particularly, in view of the order dated 21.04.2014 in W.P.No.13054 of 2010 etc., batch and the second respondent may be directed to consider the said approval in the light of the order dated 21.04.2014 in W.P.No.13054 of 2010 etc., batch and W.A. (MD) No.642 of 2012 dated 01.04.2015 within a stipulated period.

9.The learned counsel for the petitioner also submitted that the third and fourth respondents could have no objection to send their proposal. In these circumstances, the writ petition is disposed of, directing the third and fourth respondents to submit the proposal seeking approval of appointment of the petitioner as B.T. Assistant (Tamil) from 16.12.2012 in the fourth respondent school. On receipt of such application seeking approval, the second respondent is directed to pass orders in the light of the order dated 21.04.2014 in W.P.No.13054 of 2010 etc., batch and W.A. (MD) No.642 of 2013 dated 01.04.2015 on merits and in accordance with law, within a period of twelve weeks. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

mmi
To

1.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.

2.The District Educational Officer,
Ponneri Education District,
Ponneri, Tiruvallur District.

2 cc to Mr.G.Sankaran , Advocate Sr.No.27012

1 cc to Government Pleader.Sr.No.26518

W.P.No.15442 of 2015

br (co) pmk.16.6.2015