

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2015

CORAM

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

W.P.No.36863 of 2015
& M.P.Nos.1 & 2 of 2015

J.Malathi
W/o S.Jayachandran

.. Petitioner

vs.

- 1 The State of Tamilnadu
Rep. by its Principal Secretary
to Government School Education
Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2 The Director of School Education
DPI Campus, College Road,
Chennai- 600 006.
- 3 The District Educational Officer,
Chennai East, Chennai-600 094.
- 4 The Secretary
P.A.K.Palanisamy Higher Secondary School
No.1 P.A.N.Rajarathinam Road,
IV Lane, Old Washermanpet,
Chennai-600 021.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Certiorarified mandamus call for the records relating to the impugned proceeding issued by the 3rd respondent in O.Mu.No. 4448/A2/2015 dated 15.10.2015 and to quash the same and consequently directing the 3rd respondent to pass appropriate orders granting permission to avail study leave on loss of pay to undergo two years B.Ed. Degree course for the academic year 2015-2016 with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents 1 to 3 : Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader

ORDER

Aggrieved by the impugned order of the third respondent dated 15.11.2015 whereby, the petitioner's request for doing B.Ed., Regular course was rejected, the petitioner has come up with the present writ petition.

2. Mr. G.Sankaran, learned counsel for the petitioner would submit that the petitioner was appointed as the Office Assistant in the fourth respondent school on 01.04.2010 in a regular sanctioned post. The fourth respondent school is a Government Aided School under the provisions of the Tamil Nadu Recognized Private Schools (Regulations) Act, 1973. The petitioner is holding B.A.(Tamil) decree and for the purpose of upgrading her post as B.T. Assistant, she has to acquire B.Ed., as per the Special Rules. Accordingly, she sought for permission from the fourth respondent to study B.Ed., decree in the regular course. The fourth respondent has rejected her request by referring to G.O.Ms.No.135, School Education, Department, dated 23.07.2013.

3. Learned counsel for the petitioner further submitted that G.O.Ms.No.135 is applicable only to teaching staffs working in Government Aided Schools and for non-teaching staffs they have to undergo only regular course and they are not permitted to study the course through correspondence and therefore, the reason assigned by the respondent for rejecting the request of the petitioner cannot be sustained.

4. Learned Special Government Pleader appearing for the respondents would fairly submit that G.O.Ms.No.135 is applicable only to the teaching staffs and admittedly, the petitioner is a non-teaching staff and therefore, the order can be set aside and remand for fresh consideration.

5. Undisputedly, the G.O.Ms.No.135, School Education Department is applicable only for the teaching staffs and the petitioner is a non-teaching staff. However, the third respondent by relying upon the said Government Order passed the impugned order. Hence, the impugned order is set aside.

6. In the result, this writ petition is allowed and the matter is remanded back for fresh consideration. The third respondent shall consider the application of the petitioner and

pass orders on merits and in accordance with law, within a period of two weeks, from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

smi

To

1. The Principal Secretary to Government
State of Tamilnadu ,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
 2. The Director of School Education
DPI Campus, College Road,
Chennai- 600 006.
 3. The District Educational Officer,
Chennai East, Chennai-600 094.
- + 1 cc to Mr.G. Sankar, Advocate SR.64365

W.P.No.36863 of 2015

EU 08.12.15

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