

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.37058 of 2015
and
MP.No.1 of 2015

P.P.Catherine Bino

... Petitioner

Vs.

1.State of Tamil Nadu
Rep by its Secretary to Government
Education Department
Fort St.George, Chennai-9.

2.The Director of School Education
College Road, Chennai-6

3.The Joint Director of School
Education (secondary)
College Road, Chennai-6

4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

5.The District Educational Officer,
Nagercoil, Kanyakumari District.

6.The Correspondent
Christian Welfare High School,
Thandikarankonam
Kanyakumari District - 629 851.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents herein to effect from 20.06.2011 and pay the salary of the petitioner as Graduate Teacher (Science) with effect from 20.06.2011 and pay the salary of the petitioner from 20.06.2011 upto 04.08.2012 with all consequential benefits and count the said period along with her service from 05.08.2013.

For Petitioners : M/s.A.L.Gandhimathi.
For Respondents : M/s.M.E.Raniselvam,
Additional Government Pleader
for R1 & R5.
No appearance for R6.

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2.According to the petitioner that she has completed B.Sc (Chemistry) in first class in the year 1995, passed B.Ed degree in first class during November, 1998 and thereafter completed M.Sc (Chemistry). While so, she was appointed as graduate Teacher in the sanctioned post on 16.06.2011 in the 6th respondent school. During the said period there was no requirement to pass the Teacher's Eligibility Test. Hence, the petitioner's appointment was approved by the fifth respondent.

3.As per GO.Ms.No.181 dated 15.11.2011 a direction was given to the teachers to be recruited in future for the elementary scheme should possess teachers eligibility test. As per the guidelines framed by the National Council for Teacher Education, the teachers who are already appointed and do not possess minimum qualifications as prescribed by the Council shall acquire such qualification within a period of five years and five years time was given to acquire the said qualification and to pass the teachers eligibility test.

4.The petitioner would claim that she passed teachers eligibility test in the month of October 2012, conducted by the Teachers Recruitment Board. However, the fourth respondent has not approved the appointment of petitioner from 20.06.2011 and her salary was also not paid.

5.The petitioner would state that she was appointed as B.T.Assistant in Government School and the petitioner is now working in Higher Secondary School, Radhapuram, Tirunelveli district from 05.08.2013 and her salary was not paid for the period from 20.06.2011 to 04.08.2013. Therefore, the petitioner has sent a representation to the respondents on 22.12.2014, but it was not considered till date. Hence, the petitioner filed this writ petition.

6.Heard the submissions of M/s.A.L.Ganthimathi, learned counsel appearing for the petitioner and Mrs.M.E.Raniselvam, who accepts notice on behalf of the respondents 1 to 5.

7.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the case, directs the respondents 1 to 3 to consider the petitioner's representations dated 22.12.2014 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

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Sub Assistant Registrar

To

- 1.The Secretary to Government
State of Tamil Nadu
Education Department
Fort St.George, Chennai-9.
- 2.The Director of School Education
College Road, Chennai-6
- 3.The Joint Director of School Education (secondary)
College Road, Chennai-6
- 4.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 5.The District Educational Officer,
Nagercoil, Kanyakumari District.

+1cc to M/s.A.L.Gandhimathi, Advocate, S.R.No.63434
+1cc to the Government Pleader, S.R.No.63559

W.P.No.37058 of 2015

VS(CO)
CA(16/12/2015)