

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.01.2016

CORAM

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

W.A.No.1793 of 2015
and
M.P.No.1 of 2015

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai - 9.

2.The District Elementary Educational
Officer, Salem, Salem District.

3.The Additional Assistant Elementary
Educational Officer,
Salem Town, Salem.

...Appellants/Respondents 1 to 3

Vs.

1.A.Yasmin

...1st Respondent/Petitioners

2.S.L.Guruvaiya Chettiyar Aided
Primary School rep. by its Correspondent

...2nd Respondent/4th Respondent

Writ Appeal filed under Clause 15 of Letters Patent against
the order dated 01.07.2015 made in M.P.No.2 of 2015 in
W.P.No.19220 of 2015.

MP2/15:- Petition Praying that in the circumstances stated
therein and in the affidavit filed therewith the High Court will
be pleased to grant and interim direction directing the
respondents to temporarily approve the appointment of the
petitioner and release salary grant in the post of Secondary
Grade Teacher from the date of initial appointment from
01.11.2012 pending disposal of this Writ Petition.

WP.19220/15:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to approve the petitioner appointment in the post of Secondary Grade Teacher with effect from the date of her initial appointment namely 1.11.2012 based on the proposal submitted to the 2nd respondent on 01.11.2012 with all other service and monetary benefits (including arrears of pay).

For Appellant .. Mr.K.Karthigeyan,
Govt. Advocate (Edn.)

For Respondents ... M/s.Dakshayani Reddy for R1
Mr.K.H.Ravikumar for R2

JUDGMENT

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

Ms.Dakshayani Reddy, learned counsel accepts notice on behalf of the first respondent and Mr.K.S.Ravikumar, learned counsel accepts notice on behalf of the second respondent. With the consent of the learned counsel for the parties, the writ appeal is taken up for final disposal, at the admission stage itself.

2.The instant appeal arises out of the interim direction dated 01 July 2015 passed in M.P.No.2 of 2015 in the pending writ petition in W.P.No.19220 of 2015.

3.The writ petitioner/first respondent has preferred the instant petition, seeking approval of her appointment and to release the salary granted to the post of secondary grade teacher from the date of her initial appointment.

4.The issue involved herein is whether a teacher, without having obtained the TET qualification after the cut off date viz., 15.11.2011, is entitled to appointment and approval. This issue is pending consideration in the pending writ petition.

5.On perusal of the impugned order, it appears that the interim direction to give temporary approval to the appointment of the writ petitioner/first respondent for a period of five years from the date of her appointment and to pay salary, is passed.

6.We have examined the case from all angles. Since the issue, as aforesaid, is pending consideration before the writ Court, we are inclined to modify the order to the extent that

the writ petitioner/first respondent will be entitled to continue in the said post with the permissible salary, as granted to her, without there being any approval of appointment, subject to the final outcome of the pending writ petition.

7. With the above observation, the writ appeal shall stand disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mmi

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

TO

1. The Director of Elementary Education,
DPI Complex, College Road,
Chennai - 9.
 2. The District Elementary Educational
Officer, Salem, Salem District.
 3. The Additional Assistant Elementary
Educational Officer, Salem Town, Salem.
- + 1 CC TO THE GOVT. PLEADER, SR 792
- + 1 CC TO Mr. K. H. Ravikumar, ADVOCATE SR 181 (27/1/16)
- + 1 CC TO M/s. Dakshayani Reddy, ADVOCATE SR 182 (27/1/16)

KR/25/1/16

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