

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38235 of 2016

K.K.Elangovan

... Petitioner

Vs.

- 1 The District Elementary Educational Officer,
Cuddalore District.
- 2 The Additional Assistant Elementary Educational Officer
Kattumannarkoil,
Cuddalore District.
- 3 The Secretary,
Aided Elementary School,
Rajendrachelagan,
Cuddalore District,
Cuddalore.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 08.08.2015 for approval of the appointment of the petitioner as a secondary grade teacher in the 3rd respondent school with effect from date of initial appointment with all service and monetary benefits in light of the judgement in Writ Appeal (MD) No.231 of 2006 (The Secretary to Government of Tamil Nadu, Education Department and other -Vs- S.Suganthi Victoria).

For Petitioners : M/s.T.Dharani

For Respondents : Mr.V.Anandhamoorthy

Additional Government Pleader (Edn.)

O R D E R

The present writ petition has been filed seeking a Mandamus directing the respondents to consider the representation of the

petitioner dated 08.08.2015 for approval of the appointment of the petitioner as a secondary grade teacher in the 3rd respondent school with effect from date of initial appointment with all service and monetary benefits in light of the judgement in Writ Appeal (MD) No.231 of 2006 (The Secretary to Government of Tamil Nadu, Education Department and other -Vs- S.Suganthi Victoria).

2.It is the case of the petitioner that he has passed B.Sc.Zoology and B.Ed. Degrees. Pursuant to the proceedings of the first respondent, the petitioner was appointed as Secondary Grade Teacher in the third respondent School in the vacancy arose due to the retirement of one Krishnamurthy, subject to the selection as contemplated in the rules with effect from 01.04.1998 and as such, the petitioner has been working for the past 17 years. After his appointment, the approval for similarly placed persons like that of the petitioner has been rejected by the second respondent. Challenging the same, the similarly placed persons approached this Court and this Court in W.A.No.991 of 1999, etc. by order dated 29.06.2001, protected the interest of the Teachers, who had been appointed between 11.07.1995 and 19.05.1998. Subsequently, the first respondent issued orders in G.O.Ms.No.155, School Education Department dated 03.10.2002, whereby the graduate Teachers, who had been appointed in the Secondary Grade posts, were directed to undergo child psychology training. Pursuant to the same, the petitioner was sent for the said training. However, after completion of the said training, the appointment of the petitioner has been approved with effect from 02.06.2003 instead of 01.04.1998, the date of his initial appointment. In this regard, he sent a representation dated 08.08.2015 to the respondents. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3.Learned counsel appearing for the petitioner submitted that similarly placed persons like that of the petitioner approached the Madurai Bench of this Court and a Division Bench, in W.A.(MD) No.231 of 2006, by order dated 17.08.2006, directed the appellants therein to pass appropriate orders regularizing the service of the first respondent therein and also to pay salary. Hence, the case of the petitioner has also to be considered in the light of the said decision.

4.I have also heard the learned Additional Government Pleader (Edn.), who has taken notice on behalf of the respondents 1 and 2. In view of the limited order to be passed hereunder, this Court is of the view that notice is not necessary to the third respondent.

5.Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the said representation seeking approval of his appointment as a Secondary Grade Teacher in the third respondent school with effect from the date of initial appointment with all service and monetary benefits and pass appropriate orders, on merits and in accordance with law and also in the light of the judgment of the Madurai Bench of this Court made in W.A. (MD) No.231 of 2006 (The Secretary to Government of Tamil Nadu, Education Department vs. S.Suganthi Victoria), within a period of six weeks thereafter.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The District Elementary Educational Officer,
Cuddalore District.
- 2 The Additional Assistant Elementary Educational Officer
Kattumannarkoil,
Cuddalore District.

+1cc to Mr.T. Dharani, Advocate, S.R.No.62906

rp(CO)
md(25/11/2016)

W.P.No.38235 of 2016