

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42138 of 2016

D.Chandra

... Petitioner

Vs

1.The District Educational Officer
Cuddalore District.

2.The Central Manager & Secretary
Education Board
D.M.Elementary Higher Elementary School
ALC Campus
Cuddalore District-607 001.

3.The Correspondent
Danish Mission Girls Higher Secondary School
Siloam Tirukoilur
Villupuram District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation of the petitioner dated 16.06.2016 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 judgment in Writ Appeal (MD).No.231 of 2006 (The Secretary to Government of Tamil Nadu Education Department and other - Vs- S.Suganthi Victoria).

For Petitioner : Mr.T.Dharani

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader
(Edu.),
for R1 and R2

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider her representation dated 16.6.2016 for approval of her appointment as a secondary grade teacher in the third respondent school with effect from date of initial appointment with all service and monetary benefits in light of the judgment 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 she has possessed B.A., and B.Ed. Degrees. Pursuant to the proceedings of the Secretary, CB Arcot Lutheran Church, the petitioner was appointed as Secondary Grade Teacher in the third respondent school in the resultant vacancy caused by the resignation of one Rachel subject to the selection as contemplated in the rules with effect from 11.8.1997 and as such, the petitioner has been working for the past 17 years. After her 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 29.6.2001, protected the interest of the teachers, who had been appointed between 11.7.1995 and 19.5.1998. Subsequently, the first respondent issued orders in G.O.Ms.No.155, Education Department dated 3.10.2002, whereby the graduate teachers, who had been appointed in the Secondary Grade post, 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 16.10.2004 instead of 9.6.1997, the date of her initial appointment. In this regard, she sent a representation dated 16.6.2016 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 17.8.2006, 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 (Education), 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 her 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 eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1.The District Educational Officer
Cuddalore District.

2.The Central Manager & Secretary
Education Board
D.M.Elementary Higher Elementary School
ALC Campus
Cuddalore District-607 001.

+1cc to Mr.T.Dharani, Advocate, S.R.No.70671
+1cc to the Government Pleader, S.R.No.71039

W.P.No.42138 of 2016

VSN(CO)
CA(30/12/2016)