



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.977 of 2016
against
WMP(MD)No.1480 of 2016
and
WP(MD)No.1711 of 2016

1.The State of Tamil Nadu,
Rep.by its Secretary,
School Education (C2) Department,
Fort.St.George,
Chennai.

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

3.The District Educational Officer,
O/o.The District Educational Office,
Dindigul District.

4.The Assistant Educational Officer,
O/o.The Assistant Educational Office,
Dudley Higher Secondary School,
Dindigul District.

...Appellants/Respondents/
Respondents

-Vs-.

M.Stella Ponmani
B.T.Assistant,
Dudley Higher Secondary School,
Dindigul.

... Respondent/Petitioner/
Writ Petitioner

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 27.01.2016 made in W.M.P(MD)No.1480 of 2016 in W.P(MD)No.1711 of 2016.

<https://hccasecourts.in/CaseFile.aspx?CaseNo=MD.1480/2016> : Miscellaneous Petition filed praying to grant an Ad interim direction directing the respondents to accord temporary provisional approval for appointment of the

petitioner as a B.T.Assistant (Science) in the Dudley Higher Secondary School, Dindigul District.

Prayer in WP(MD). 1711/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Pleased to issue a Writ of Mandamus, directing the respondents to approve the appoint of the petitioner as a B.T. Assistant (Science), in the Dudley Higher Secondary School, Dindigul District, on the basis of the proposal sent by the said school on 02.09.2014 without insisting for qualification in the TET Examination in light of the decision of the Hon ble Supreme Court in Pramati Education and Clutural Trust ..Vs.. Union of India (2014 8 SCC 1) within the time that may be stipulated by this Court.

For Appellants : Mr.VR.Shanmuganathan,
Special Government Pleader.

For Respondent : Mr.V.Balasubramanian

JUDGMENT

(Judgment of the Court was delivered
by **NOOTY.RAMAMOHANA RAO,J**)

It is brought to our notice that by an order passed on 02.03.2016, the Honourable Division Bench of this Court, which entertained Writ Appeals in W.A(MD)Nos.291 of 2016 etc batch, dealing with a similar interim order passed by a learned Single Judge, as was the present case has considered and followed an earlier Division Bench judgment dated 5.2.2016 in W.A.(MD) No.220 of 2016 and concluded the issue by directing that the first respondent/writ petitioner therein shall be given salary for having been employed and that no steps shall be taken to remove the individual from service till the disposal of the writ petition. But, however the writ petitioner therein was ordered that he shall not claim any equity on account of any such arrangement and held that grant of interim order for approval of the appointment is however, not sustainable.

2. We are in agreement with the reasoning adopted by the Honourable Division Bench in its order referred to supra and the balance of convenience would not lie in favour of the writ petitioner/ respondent herein for grant of approval of her appointment even before the lis in the writ petition is decided finally. However, since the writ petitioner was employed as a Teacher by the School, no steps shall be taken by the said School for removing the writ petitioner from service merely for want of approval by the State Government. The salary and allowances payable during the period of employment shall, however be paid to



the writ petitioner.

3. With the above directions, the writ appeal is disposed of.
No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

TO

- 1.The Secretary, State of Tamil Nadu,
School Education (C2) Department,
Fort.St.George, Chennai.
- 2.The Director of School Education,
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- 3.The District Educational Officer,
O/o.The District Educational Office,
Dindigul District.
- 4.The Assistant Educational Officer,
O/o.The Assistant Educational Office,
Dudley Higher Secondary School,
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Gsr

CSL/PEK/27.06.2016 : 3P/5C

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