

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

Coram

The Honourable Mr.Justice HULUVADI G.RAMESH,
and
The Honourable Dr.Justice S.VIMALA
W.A.NO.290 OF 2017 &
C.M.P.No.4634 of 2017

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
- 2 The Director
Directorate of School Education College
Road Chennai - 600 006
- 3 The District Collector
District Collectorate,
Villupuram District
- 4 The District Chief Education Officer,
District Chief Education Office
Villupuram District
- 5 District Elementary Education
Officer Office of the D.E.E.O.
Villupuram District
- 6 The Addl. Elementary Education Officer,
Addl. Elementary Education Officer Office,
Melmalainur, Villupuram District - 604 205

versus

J. Yesumani .. Respondent

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order of the learned single Judge dated 17.11.2017 in W.P.No.36522 of 2015.

WP.No.36522 of 2015:Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondent herein to consider and pass orders on the petitioners representation dated 22/09/15 at the earliest possible.

For Appellants : Mr.A.Sri Jayanthi, Spl.G.P.

JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge dated 17.11.2017 in W.P.No.36522 of 2015.

2. It appears that the respondent herein was appointed as Secondary Grade Teacher by the sixth appellant and a proposal was sent to the authorities to regularize the service of the respondent, which was not considered by the fifth appellant. Aggrieved by the same, the respondent approached this Court by filing the above said Writ Petition.

3. The learned Judge, while disposing of the writ petition, directed the fifth appellant to consider the proposal sent by the 6th appellant and dispose of the representation of the respondent dated 22.9.2015 by passing appropriate orders on merits and in accordance with law. Challenging the same, the Government has come forward with the present writ appeal.

4. The learned Special Government Pleader would submit that the respondent was appointed in non-sanctioned post and further, the respondent had not passed the TET examination and the benefit extended by this Court in W.A.No.1413 of 2014 dated 3.11.2014 to pass TET examination within five years from the date of the G.O.No.181 dated 15.11.2011 would be applicable only the teachers who were working in the unaided private schools on the date when the said G.O. was issued. She pointed out that the appointment of the respondent was subsequent to the above said G.O., hence, the authorities have rightly rejected the regularization of the service of the respondent. However, the learned Judge, without considering the same, directed the authorities to consider the case of the respondent.

5. Having heard the learned Special Government Pleader and on going through the order of the learned Judge, we do not find any infirmity in the order since the learned Judge directed the fifth appellant to consider the proposal sent by the 6th appellant and also the representation of the respondent dated 22.09.2015 on merits and in accordance with law only. Therefore, it is for the 5th appellant to comply with the order of the learned Judge in accordance with law. While considering

the same, the 5th appellant should bear in mind the decision rendered by this Court in W.A.No.1126, 1127, 1585, 1765 and 1797 of 2015 batch, dated 24.01.2017. We make it clear that if the respondent was appointed in a non-sanctioned post, there is no need for the Government to pay the salary expenses of the respondent, but it is only for 6th appellant Management to bear the same.

With the above observation, this Writ Appeal is disposed of. No costs. Consequently, connected CMP is closed.

-s/d-

Assistant Registrar(CSVIII)

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Sub-Assistant Registrar

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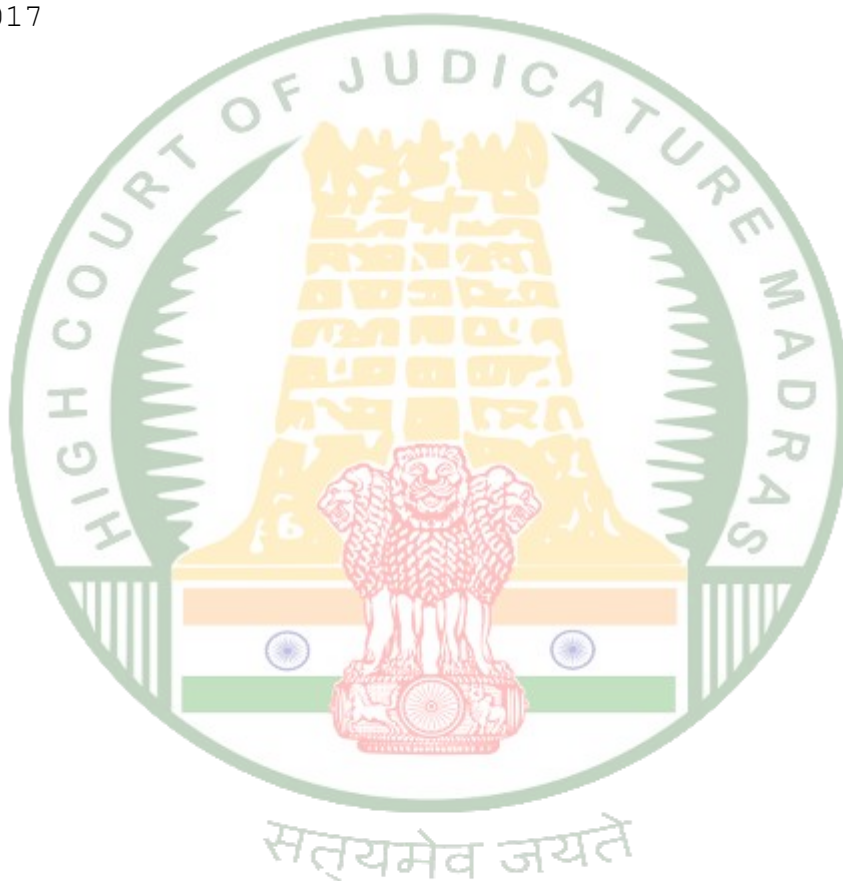
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+1 cc to Government Pleader sr 22126

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