

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.A.No.905 of 2017
and
C.M.P.No.12599 of 2017

1. The Government of Tamil Nadu
Rep by its Additional Chief Secretary
The Department of School Education (C2)
Fort St. George Chennai 600 009
 2. The Director of Elementary Education
DPI Campus College Road
Chennai 600 006
 3. District Elementary Educational Officer
Vellore Vellore Fort 632 004
Vellore District
 4. Assistant Elementary Educational Officer
Chinna Kulam Marimman Street
Tirupattur 635 601 Vellore District
- ... Appellants

Versus

1. Miss.T.Anitha
 2. The Correspondent
Mary Immaculate Elementary School
Tirupattur 635 601 Vellore District.
- ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.4.2015 passed in M.P.No.3 of 2015 in W.P.No.12567 of 2015 on the file of this court.

Prayer in M.P.No.3 of 2015 in W.P.No.12567 of 2015 : Miscellaneous Petition filed to direct the respondents to continue to pay salary to the Petitioner working as Secondary Grade Assistant in Mary Immaculate Elementary School, Tirupattur 635 601, Vellore District w.e.f 01.06.2012, based on the approval accorded on 24.02.2015, without reference to the condition completing TET Exam.

Prayer in W.P.No.12567 of 2015 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of

Certiorarified Mandamus, to call for the records in G.O.(Ms). No.181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 24.2.2015 in Na.Ka. No.3539/A5/2013 on the file of the 3rd respondent, in so far as it imposes an illegal condition to complete TET Exam on or before 31.3.2015, and quash the same in respect of the petitioner, directing the respondents to accord permanent approval to the appointment of the petitioner Miss.T.Anitha, as Secondary Grade Assistant in Mary Immaculate Elementary School, Tirupattur 635 601, Vellore District w.e.f. 1.6.2012.

For Appellants : Mr.R.Prathapkumar,
Additional Government Pleader

For Respondents : Ms.A.Arul Mary

JUDGMENT

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

Heard the learned counsel appearing for the parties.

2. This matter is squarely covered by the decision of a Division Bench of this court in W.A.Nos.213 and 572 of 2016 dated 24.8.2016 and also the decision of the Supreme Court in the case of PRAMATI EDUCATIONAL AND CULTURAL TRUST v. UNION OF INDIA (AIR 2014 SC 2114). In that view of the matter, the stand taken by the Government regarding removal of the first respondent on the ground that she has not completed the Teachers Eligibility Test, does not survive for consideration. Accordingly, this writ appeal is disposed of being devoid of merits. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Additional Chief Secretary
Government of Tamil Nadu
The Department of School Education (C2)
Fort St. George Chennai 600 009

2. The Director of Elementary Education
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Tirupattur 635 601 Vellore District
5. The Correspondent
Mary Immaculate Elementary School
Tirupattur 635 601 Vellore District.

+1cc to the Government Pleader, S.R.No.58880

W.A.No.905 of 2017

SS(CO)
CA(13/09/2017)



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