

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P. No.21415 of 2017

S.Saravanan

..Petitioner

Vs

1. The Principal Secretary to Government
School Education Department
Secretariat, Fort St.George,
Chennai 600 009.

2. The Director of Elementary Education
DPI Campus, College Road
Chennai 600 006.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus and directing the respondents to pay salary to the petitioner from the date of his appointment i.e., 01.06.2012 in the pay scale of the Secondary Grade Teacher in the light of the order dated 24.01.2017 passed in W.A.Nos.1126 of 2015 etc., batch, within a time frame, as may be fixed by this Honourable Court.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.M.Perumal
Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to pay salary to the petitioner from the date of his appointment i.e., 01.06.2012, in the pay scale of the Secondary Grade Teacher based on the order passed by the Hon'ble Division Bench in W.A.No.1126 of 2015, dated 24.01.2017.

2. The writ petitioner was appointed as the Secondary Grade Teacher and his appointment was not approved, on the ground, that he has not passed Teachers Eligibility Test. Thereafter,

the writ petitioner has filed a writ petition questioning the same and by virtue of the Interim Order granted in the writ petition he is now working.

3. The learned counsel appearing for the writ petitioner contended that the Hon'ble Division Bench passed an order dated 24.01.2017 in W.A.No.1126 of 2015, holding as follows:

Paragraph No.42: Accordingly, to meet the ends of justice, the writ appeals and the writ petitions are disposed with the following directions:

(i) The Teachers herein, who have been appointed subsequent to the issuance of the Government Order, are granted one opportunity to appear for the Teacher Eligibility Test to be conducted by the Teachers Recruitment Board and in the event of their passing in the Teacher Eligibility Test, their appointments shall be approved else, they have no other opinion but to quit the service/ousted from service;

(ii) Till the results are published, the Government shall pay the salary to the Teachers, who are in service of the aided institutions, for the services rendered by them and in the cases where salary was not paid the same shall be paid along with arrears, if any, forthwith;

(iii) Learned Advocate General submitted that salary has been paid to most of the Teachers and only a few were not paid, for want of particulars. In such a case, the Teachers whose salary have not been paid for want of particulars, they shall furnish the requisite particulars immediately, so to enable the Government pay the salary immediately;

(iv) Insofar as W.P.No.7593 of 2015 is concerned, though the writ petitioner has qualified with a pass in Teacher Eligibility Test during 2013, she has not been paid the difference of salary from the date of appointment, till the date of passing of the Teacher Eligibility Test. In view of the discussions aforesaid, the Government is directed to pay the difference of salary within a period of four weeks from the date of receipt of a copy of this order; and

(v) The Teachers Recruitment Board is directed to take note of the above observations and to issue

notification for conducting Teacher Eligibility Test on or before the end of February 2017, indicating the date of exam to be either in the last week of March 2017 or in the first week of April 2017.

In the result, the writ appeals and the writ petitions are disposed of in the above terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

4. Citing the above judgment of the Hon'ble Division Bench, the petitioner made a representation on 31.07.2017 to the respondents. Hence, without going into the merits of the case, this Court directs the respondents to consider the representation submitted by the writ petitioner dated 31.07.2017 and pass orders on merits and in accordance with law, considering the service records of the writ petitioner, within a period of eight weeks from the date of receipt of a copy of the order. The writ petitioner is also directed to enclose a copy of the representation along with the order passed in this writ petition.

5. Accordingly, the writ petition stands disposed of. However, there is no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna

To

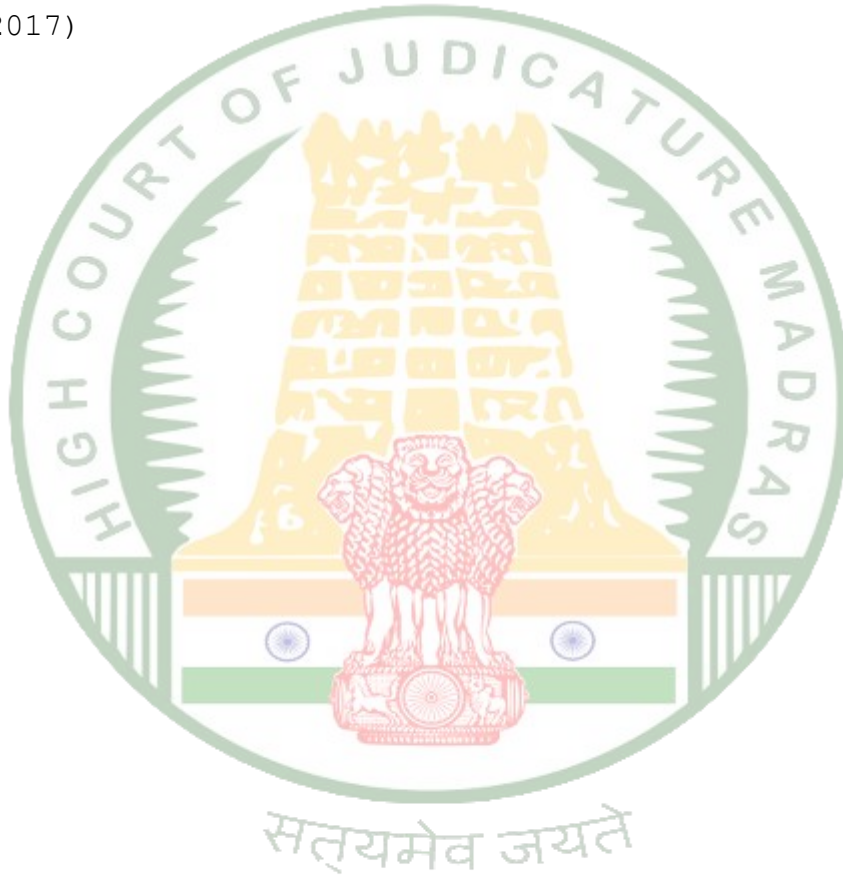
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2. The Director of Elementary Education
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+1cc to M/s.R.Kamaraj, Advocate, S.R.No.57826

+1cc to the Government Pleader, S.R.No.58339

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NM(CO)
CU(29/08/2017)



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