

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3865 of 2017

Tmt.S. Rajeswari

..Petitioner

Vs

1.The State of Tamil Nadu
rep by its Secretary,
Education Department,
Secretariat, Chennai-9

2.The Director of School Education,
College Road, Chennai - 6

3.The Chief Educational Officer,
Vilupuram.

4.The District Educational Officer,
Tindivanam

5.The Secretary,
Sri Sivaprakasam Swamikal Higher Secondary School,
Mylam,
Villupuram District

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to upgrade the post of Secondary Grade Teacher, held by the petitioner, as B.T. Assistant (Tamil) with effect from 01.06.2002, as per G.O.Ms.No.79 School Education Department dated 14.06.2002, by considering the representation of the petitioner dated 05.10.2014, 20.11.2014 and 17.09.2015, in the light of decision rendered by this Hon'ble Court in the case of R. Padma Sheela Rani Vs State of Tamil Nadu, and others in W.P (MD) No.1664 of 2005, dated 02.11.2006 and G.O.(3D)No.61 School Education (P1) Department dated 20.04.2012.

For Petitioner : Mr.R.D. Ashok KUMar

For R.1 to R.4 : Mr.V. Anandamoorthy
Additional Government Pleader
(Edn.,)

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner would submit that she had passed B.Litt.(Tamil) in the year 1996 and B.Ed. degree in 1998 and thereafter, pursued her post graduation degree in Tamil and registered her educational qualification in the District Employment Exchange. The petitioner would aver that on account of dearth of eligible candidates for accommodation to the post of Secondary Grade Teacher in Scheduled Caste Community, the 1st respondent/ School Education Department had passed G.O.Ms.No.301 dated 15.10.1999 directing the Management of the School to fill up the said vacancies with B.T. qualified persons through Employment Exchange subject to the condition that the candidates shall undergo one month Child Psychology Training on their cost in the District Institute of Education and Training (DIET). According to the petitioner, she had undergone one month training from 06.08.2001 to 05.09.2001. The petitioner was appointed as Secondary Grade Teacher by order of the 5th respondent dated 06.09.2001 in the sanctioned post arising out of permanent vacancy. The appointment of the petitioner as Secondary Grade Teacher was duly approved by the 3rd respondent with effect from 06.09.2001 subject to the condition that she should be paid the salary applicable to the post of Secondary Grade Teacher and that the petitioner will not be entitled to incentive increments on acquiring higher qualification. The grievance now expressed by the petitioner is that in the light of G.O.Ms.No.79 (School Education) Department dated 14.06.2002, subject to the result of the written test in respect of English, Science and Mathematics, the persons possessing B.Ed. qualification can be selected and appointed. In this regard, the petitioner has also submitted representations dated 05.10.2014, 20.01.2014 and 17.09.2015 to the 5th respondent praying for appropriate orders and since no orders have been passed, he came forward to file this writ petition.

3. Mr.R.D.Ashok Kumar, learned counsel for the petitioner, on instructions, would submit that though the 5th respondent School made a positive recommendation to the appropriate authorities through proper channel, so far no orders have been passed and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

4. Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the petitioner has challenged

the promotion given to one M.Shunmugam, Secondary Grade Teacher as B.T. Tamil and the appointment of one Ramu as B.T. Tamil as direct appointment in W.P.No.24217 of 2012 and the same is pending and seeks time to get instructions.

5. This Court considered the rival submissions and perused the materials placed on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit one more representation to the 5th respondent praying for upgradation for B.T. Assistant along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and the 5th respondent, on receipt of the said representation, shall consider the same in accordance with law, if the papers are otherwise in order, and forward a proposal to the concerned authorities, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary,
State of Tamil Nadu,
Education Department,
Secretariat, Chennai-9

2.The Director of School Education,
College Road, Chennai - 6

3.The Chief Educational Officer,
Villupuram.

4.The District Educational Officer,
Tindivanam.

+1cc to Mr.S.N. Ravichandran, Advocate SR. 10196

+1cc to the Government Pleader,
High Court, Madras SR. 10315

W.P.No.3865 of 2017

NMI (CO)

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