

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-09-2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No.27836 of 2015

And

M.P.Nos.1 and 2 of 2015

V.Nagarajan

.... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai-6.

2.The District Elementary Educational Officer,
Thiruvarur,
Thiruvarur District.

3.The Additional Assistant Elementary Educational
Officer,
Thiruvarur,
Thiruvarur District.

4.The Secretary,
P.M.Government Aided School,
Thiruvarur,
Thiruvarur District.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Mu.Mu.No.

2233/A2/2009 dated 6.8.2009 and quash the same and consequently, direct the second respondent to approve the appointment of the petitioner as Secondary Grade Teacher from 1.4.2009, in the scale of Pay Band-I at Rs.8,370/-+Rs.2,800/- revised scale is Rs.11,170/- as detailed in Table No.10 of the Tamil Nadu Revised Scale of Pay Rules, 2009 and as per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 1.6.2009 with consequential and attendant and monetary benefits.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader.

ORDER

The relief sought for in this writ petition is to quash the order dated 6.8.2009, passed by the second respondent, in respect of the approval of appointment of the writ petitioner and for a consequential relief to direct the second respondent to approve the appointment of the writ petitioner as Secondary Grade Teacher with effect from 1.4.2009 in the Pay Band of Rs.8,370/- + Rs.2,800/- and the revised scale is Rs.11,170/-.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner has completed the Diploma in Teacher Training Education and registered his name in the Employment Exchange, Thiruvavur. The vacancy arose in the post of Secondary Grade Teacher in P.M. Government Aided School at Thiruvavur and on

account of the promotion of one Tmt.N.Anandhalakshmi as Headmistress, the fourth respondent requested for promotion to fill up the vacancy arosed on account of the promotion of the said Tmt.N.Anandhalakshmi and a publication was effected, calling the applications, the writ petitioner was selected and appointed by the School Committee and had joined duty on 1.4.2009. However, the approval was granted to the writ petitioner only from 1.6.2009.

3. The petitioner claims that he had joined duty on 1.4.2009 and the approval ought to have been given with effect from 1.4.2009. In this regard, the learned counsel for the writ petitioner contended that the similar issue was considered by this Court in W.P.No.18481 of 2013 and an order was passed on 9.7.2013 is extracted as under:-

"7. Hence the impugned orders dated 7.8.2009 and 17.9.2010 are quashed and the matter is remanded back to the second respondent to pass orders, approving the appointment of the petitioner from 23.3.2009, since as on 23.3.2009, there was a vacancy. The second respondent is directed to undertake the aforesaid exercise within a period of four weeks from the date of receipt of a copy of this order and the third respondent is further directed to fix the appropriate pay in the pay

scale pursuant to the appointment of the petitioner with effect from the date of his appointment on 23.3.2009, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are closed."

4. Thus, without going into the merits regarding the retrospective approval to be granted to the writ petitioner from the date of his joining duty on 1.4.2009, the order impugned in this writ petition passed by the second respondent in proceedings Mu.Mu.No. 2233/A2/2009 dated 6.8.2009, is quashed and the matter is remanded back to the second respondent to reconsider the entire issue relating to the grant of approval to the writ petitioner, including the fixation of pay scale with effect from his date of appointment and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

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

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Index : Yes/No
Speaking /Non-speaking order

To

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S.M.SUBRAMANIAM, J.

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