

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1733 of 2017

&

WMP No.1700 of 2017

K. Mary Stella Bai .. Petitioner

Vs

1. The State of Tamil Nadu
Represented by Secretary
Education Department,
Fort St. George
Chennai - 600 009
2. The Director of School Education
College Road, Chennai - 600 006
3. The Director of Elementary Education
College Road, Chennai - 600 006
4. Saint Joseph High School
Saral, Saral Post
Kanyakumari District - 629 203 .. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents 1 to 3 to regularize the service of the petitioner as secondary grade teacher in the 4th respondent school for the period from 01-06-1997 to 01-06-2003 and consequently grant Government salary applicable to the secondary grade teachers with effect from 01-06-1997, the date of petitioner's appointment together with arrears and other benefits within a period to be fixed by this Court.

For petitioner : Mr. S. Thanka Sivan

For respondents : Mr. P.SanjayGandhi, Addl.G.P.

ORDER

By consent, the writ petition is taken up for final disposal. Mr. P. Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 3.

2. The petitioner, in the affidavit filed in support of the writ petition, would aver among other things that he is having the qualification of B.Sc. B.Ed. M.Ed., and that, coming to know about the vacancy in respect of a Secondary Grade Teacher available in the fourth respondent-School during the year 1997, he approached the fourth respondent for getting the appointment and after interview and verifying her credentials, she was selected and appointed on 01-06-1997 in the services of the fourth respondent. The said fact was also confirmed by the fourth respondent. Necessary proposal has also been sent by the fourth respondent-School for approval of appointment of the petitioner and the District Education Officer, Thuckalay by proceedings vide Ni.mu.No.4775/AA2/03 dated 16-09-2003 granted approval of the petitioner's appointment with effect from 02-06-2003.

3. The learned counsel appearing for the petitioner would submit that since the approval of the appointment of the petitioner was sought for in the sanctioned post, the approval ought to have been awarded with effect from the date of appointment i.e., from 01-06-1997 and also the consequential benefits of salary. In this regard, she has also submitted her representation and therefore, prays for appropriate orders.

4. Per contra, Mr. P. Sanjay Gandhi, learned Additional Government Pleader submits that since approval of appointment was granted with effect from 02-06-2003, the petitioner is not entitled to salary or other benefits prior to the date of approval and prays for dismissal of the writ petition.

5. This Court has considered the rival submissions and also the materials placed. It is the specific case of the petitioner that her appointment as a Secondary Grade Teacher on 01-06-1997 is in respect of a sanctioned post and though approval was accorded with effect from 02-06-2003, it should have been given effect to from the date of her initial appointment and she should have been paid the salary with effect from that date.

6. This Court in the light of the facts and circumstances and without going into the merits of the case, permits the petitioner to represent her case through a representation to the District Educational Officer, Kanyakumari District within a period of two weeks from the date of receipt of a copy of this order and the fourth respondent on receipt of the same shall

take necessary steps to forward the same, to the second respondent within a further period of two weeks thereon and the second respondent is directed to consider the same on merits and in accordance with law and pass orders within a period of four weeks, thereafter and communicate the same to the petitioner as well as the second respondent.

7. The writ petition is disposed of, accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

glp

To

1. The Secretary to Government,
The State of Tamil Nadu
Education Department,
Fort St. George
Chennai - 600 009
2. The Director of School Education
College Road, Chennai - 600 006
3. The Director of Elementary Education
College Road, Chennai - 600 006
4. The District Educational Officer, Kanyakumari District.

+1cc to Mr.S.Thankasivan, Advocate sr.4504

+1cc to Government Pleader sr.4919

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kj(co)
ss(8/2/2017)

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