

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.6821/2013 & MP.No.1/2013

P.Manikandan

.. Petitioner

Versus

1. The Director of Elementary Education,  
College Road, Chennai 600 006.
  2. The District Elementary Educational Officer  
College Road, Chennai 600 006.
  3. The Assistant Elementary Educational officer  
Royapuram Range, No.11, Davidson Street,  
Chennai 600001.
  4. The Secretary  
B.Subbaroyan Middle School  
Periya Palyathamman Koil St.,  
Moolakothalam, Basin Bridge  
Chennai 600 021.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records in pursuant to the impugned order issued by the 2<sup>nd</sup> respondent in O.Mu.No.1120[1]/A1/2012 dated 26.11.2012 and quash the same and consequently direct the respondent to approve the appointment of the petitioner with effect from his date of appointment on 12.12.2008 with salary and with other consequential service benefits.

For Petitioner : Mr.K.Rajapandi  
For RR 1 to 3 : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner has come forward to file the present writ petition challenging the order of the 2<sup>nd</sup> respondent dated 26.11.2012, in and by which, the proposal for approval of the appointment of the petitioner as Secondary Grade Teacher in the

4<sup>th</sup> respondent / School was rejected on the ground that since the petitioner did not pass the Teacher Eligibility Test as mandated.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the judgment of a Division Bench of this Court dated 24.01.2017 made in WA.No.1126/2015 etc., batch, wherein the Division Bench has disposed of the writ appeals and the writ petitions and issued the following directions:-

"[1] 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 option but to quit the service/ousted from service.

[2] 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.

[3] 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 required particulars immediately, so to enable the Government pay the salary immediately.

[4] Insofar as WP.No.7593/2015 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

[5] The Teacher 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."

4 In the result, the writ petition is partly allowed and the impugned proceedings of the 2<sup>nd</sup> respondent dated 26.11.2012 is hereby set aside and the 4<sup>th</sup> respondent/School is directed to re-submit the proposal to the 2<sup>nd</sup> respondent within a period of two weeks from the date of receipt of a copy of this order and the 2<sup>nd</sup> respondent, upon receipt of the same, is directed to consider the said proposal on merits and in accordance with law, if the papers are otherwise in order and pass appropriate orders within a period of six weeks from the date of receipt of such proposal and communicate the decision taken, to the petitioner as well as to the 4<sup>th</sup> respondent / School. No costs. Consequently, the connected miscellaneous petition is also closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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College Road, Chennai 600 006.
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Chennai 600 021.
- +1 CC to The Govt. Pleader sr 25000  
+1 CC to Mr.K. Rajapandi, Sr 25476

WP.No.6821/2013

RJ (CO)  
sp/8/5