

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2017

Coram

The Honourable Mr.HULUVADI G.RAMESH,

ACTING CHIEF JUSTICE

and

The Honourable Mr.Justice V.PARTHIBAN

W.P.Nos.32239 & 32240 OF 2013

M.P.Nos.1 & 1 of 2013

K.Kavitha

...

Petitioner in
WP 32239 of 2013

R.Manoja

...

Petitioner in
WP 32240 of 2013

versus

1. The District Elementary Educational Officer,
Villupuram District.

2. The Additional Assistant Elementary Educational Officer,
Melamalayanoor,
Villupuram District.

3. The Manager,
Aided Elementary School,
Kizhavampoondi,
Sathambadi Post,
Melamalayanoor
Tindivanam taluk-604 204,
Villupuram District.

...

Respondents in
both Writ Petitions

For Petitioner : Mr.T.Sellapandian

For Respondents : Mr.K.Venkataramani, AAG
asst.by Mr.T.N.Rajagopalan,
Spll.G.P. for R1 & R2

Prayer: These Writ Petitions are filed under Article 226 of the Constitution, praying for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to approve the appointment of the

petitioners as Secondary Grade Teachers in the 3rd respondent school from the date of their appointment with all consequential benefits.

COMMON ORDER

(Order of the Court was made by
THE ACTING CHIEF JUSTICE)

These Writ Petitions have been filed by the petitioners, seeking for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to approve their appointment to the post of Secondary Grade Teacher in 3rd respondent school from the date of their appointment, i.e. 3.1.2012 with all consequential service and monetary benefits.

2. It appears that the petitioners were appointed as Secondary Grade Teachers by the 3rd respondent Management on 3.1.2012, however, their appointment was not approved on the ground that they have not passed TET examination.

3. In identical situation, the Madurai Bench of this Court passed interim order dated 29.4.2013 in M.P.(MD) No.1 of 2013 etc. batch in W.P.(MD) Nos.2722 of 2013, etc., directing the official respondents therein to give temporary appointment to the petitioners therein subject to certain conditions.

4. The above said order came to be challenged by the official respondents and also similar writ petitions came to be filed before this Court and by order dated 24.1.2017, this Court having considered the entire factual matrix of the matter, passed the following therein:

"41. This Court, on an overall consideration of the factual matrix of the matter, is of the considered view that in the absence of conduct of regular TET examination further to the issuance of the Government Order, the Teachers, in the instant case, who were holders of either a Diploma or Degree in Teacher Education and who were waiting in the rolls of the Employment Exchange for decades, particularly those who were possessed of the requisite qualifications for appointment to the post of a Teacher, prior to the issuance of the Government Order, cannot be left in lurch on the only ground that they have not passed the TET examination as mandated by the Government Order, they having put in quite a number of years of service. This Court feels that the ends of substantial justice would be met

that if those persons, who have been appointed subsequent to the issuance of the Government Order, be given one opportunity to appear for Teacher Eligibility Test and to qualify themselves, taking into consideration the services rendered by them at the time of exigency. Any other course than the one directed above would be detriment both to the career of the students as also the livelihood of the persons, who have all along been in employment, the crux of the issue being that the Teachers Recruitment Board had not conducted the Teacher Eligibility Test after 2013.

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 option 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."

Having regard to the above, we are of the view that the above said order will hold good in respect of the present Writ Petitions also. Accordingly, these Writ Petitions are disposed of on the terms of the above said order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Elementary Educational Officer,
Villupuram District.

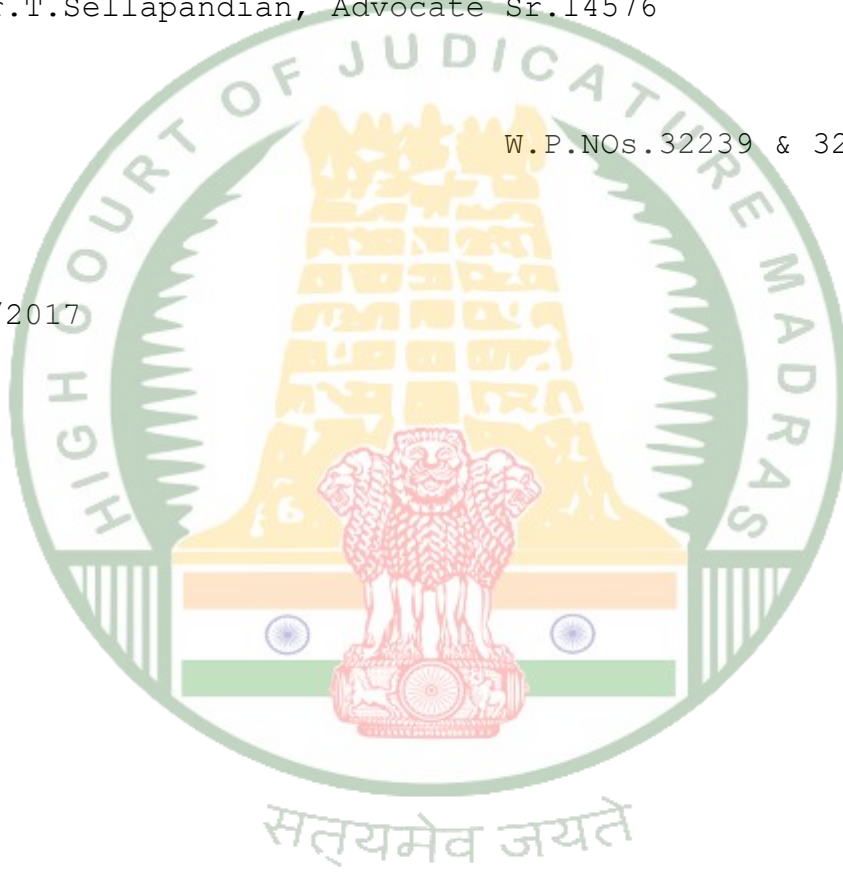
2. The Additional Assistant Elementary Educational Officer,
Melamalanoor,
Villupuram District.

3. The Manager,
Aided Elementary School,
Kizhavampoondi,
Sathambadi Post,
Melamalayanoor
Tindivanam taluk-604 204,
Villupuram District.

+1cc to Mr.T.Sellapandian, Advocate Sr.14576

W.P.NOs.32239 & 32240 OF 2017

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srg 28/04/2017



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