

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

W.P.No.12604 of 2008

A.Xavier Raji

.. Petitioner

Vs

1. The District Educational Officer
Cheyyar, Thiruvannamalai District .

2. The Correspondent
RCM High School
Kancheepuram Road
Vandavasi, Thiruvannamalai District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Na.Ka.No.12116/Aa2/2005, dated 02.05.2008, to quash the same and to direct the respondents to reinstate the petitioner in service with all attendant benefits.

For Petitioner : Mr.S.Rajesh

For Respondents : Mr.A.Rajaperumal
Addl. Government Pleader
for 1st respondent

Mr.S.M.Edward Stanley
for 2nd respondent

ORDER

The petitioner has filed this writ petition seeking issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in Na.Ka.No.12116/Aa2/2005, dated 2.5.2008, to quash the same and to direct the respondents to reinstate the petitioner in service with all attendant benefits.

2. The petitioner was appointed as Junior Grade Tamil Pandit in the second respondent school, which is an aided minority school, on 11.11.2005. The petitioner obtained B.Ed. Degree from the Indira Gandhi University, Coimbatore. The

second respondent school sent proposal to the first respondent for approval of the appointment of the petitioner. Thereafter, the petitioner was appointed in a permanent and sanctioned post. It is stated that the first respondent, vide proceedings dated 22.08.2006, approved the appointment of the petitioner as Junior Grade Tamil Pandit on a consolidated pay with effect from 11.11.2005.

3. It is stated by the petitioner that in the said order dated 22.08.2006, the first respondent had specifically stated that proposals received from the second respondent for approval of the appointment of the petitioner have been perused and all the requisite conditions for filling up the vacancy were fulfilled.

4. It is stated that the first respondent sent a communication dated 31.03.2008 to the second respondent school stating that the Chief Educational Officer, Thiruvannamalai, had stated that B.Ed. Degree awarded by Indira Gandhi University and Madurai Kamaraj University should not be considered as B.Ed. Degree, and requesting the second respondent school to get explanation from the petitioner for termination of his services.

5. It is averred that the first respondent, vide proceedings dated 02.05.2008, cancelled the appointment of the petitioner and requested the Correspondent to terminate his services.

6. Assailing the said order, the present writ petition is filed for the relief stated supra.

7. It is contention of the learned counsel for the petitioner that the appointment of the petitioner has been approved by the District Educational Officer after verifying all the records, including the certificate issued by the Indira Gandhi National Open University, Coimbatore and, therefore, the cancellation of the appointment on the basis of orders passed subsequent to the appointment cannot be sustained in law.

8. I heard Mr.S.Rajesh, learned counsel for the petitioner, Mr.A.Rajaperumal, learned Additional Government Pleader for the 1st respondent and Mr.S.M.Edward Stanley, learned counsel for the 2nd respondent and perused the documents available on record.

9. At the outset, it needs to be noted that at the time of admission of the writ petition, this Court, by order dated 20.05.2008, granted an order of interim stay of all further proceedings pursuant to the impugned order and the same continues to operate even as on date and the petitioner is admittedly discharging his duties without any hindrance.

10. A bare perusal of the proceedings of the first respondent dated 22.08.2006 reveals that the proposal received from the second respondent school for approval of the appointment of the petitioner was considered and thereafter approved by the said authority. Such approval of appointment of the petitioner was solely based on the certificates produced by him and not by way of any misrepresentation of fraud. The first respondent on being satisfied with the qualifications of the petitioner has granted such approval to the appointment of the petitioner.

11. The petitioner, in the form of additional typed set, appended G.O.(Ms.) No.56, Higher Education (K2) Department, dated 24.04.2012, whereby the Government had decided to accept the recommendation of the Equivalence Committee and accordingly, directed B. Ed.(Special Education) Course awarded by any University to be considered as equal to B. Ed.(General Education) for the purpose of employment in Public Services.

12. The Government in the said G.O. directed that B. Ed (Special Education) Course is equivalent to B. Ed. (General Education) Course for the purpose of employment in Public Services. When the Government itself has already treated B. Ed. (Special Education) as equivalent to B. Ed. (General Education) Course, in my considered opinion, the services of the petitioner need not be interfered with at this stage.

13. In such view of the matter, the writ petition is allowed and the order under challenge is set aside and the petitioner is entitled to all benefits as prayed for. No costs. Consequently, M.P.No.1 of 2008 is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

vs

To

The District Educational Officer,
Cheyyar, Thiruvannamalai District.

+1 CC TO MR.S.Rajesh, Advocate SR. No.65931

W.P.No.12604 of 2008

RMP (23/03/2018)