

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.28256 of 2012

S. Ugine Mary

... Petitioner

Vs.

1. The Government of Tamil Nadu,
represented by the Secretary to the Government,
School Education Department,
Fort St. George, Chennai- 600 009.
 2. The Director of Elementary Education,
College Road,
Chennai-9.
 3. St. John's Primary School,
Muttom, Kanyakumari District,
Rep. by its Correspondent.
- ... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.18264/L1/2011, dated 04.07.2011 and quash the same and consequently direct the respondents to pay the Secondary Grade Scale from 06.06.1974 to 31.03.1987 to the petitioner.

सत्यमेव जयते

For Petitioner : Mrs. P. Mahalakshmi

For Respondents : Mrs. M.E.Rani Selvam
Additional Government Pleader R1 & R2
: No appearance for R3

O R D E R

The writ petition has been filed by the petitioner to issue a Writ of Certiorari to call for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.18264/L1/2011, dated 04.07.2011 and quash the same and

consequently direct the respondents to pay the Secondary Grade Scale from 06.06.1974 to 31.03.1987 to the petitioner.

2. I heard the submissions of Mrs.P.Mahalakshmi, learned counsel appearing for the petitioner and Mrs.M.E.Rani selvam, learned Additional Government Pleader appearing for the respondents 1 & 2. There is no appearance for the third respondent school.

3. This Court in similar matter in W.P.1967 of 2008 by order dated 28.03.2008 allowed the writ petition, against which the Government has preferred writ appeal in W.A.1501 of 2008 and the Division Bench of this Court by judgment dated 20.04.2010 dismissed the writ appeal confirming the said order passed in W.P.No.1967 of 2008.

The Division Bench of this Court in said writ appeal in paragraph 11 observed as follows:-

"The fact remains that the first respondent, at the time of joining as Elementary Teacher on 26.10.1973, was in possession of Secondary Grade Montessori Training Certificate. In the case of the first respondent, it is an admitted fact that she passed the Secondary Grade Montessori Teachers Training Course even prior to her appointment as Elementary Grade Teacher. Further, it is to be noted that in order to comply with the directions issued by the Government in G.O. Ms.No.117, Education Department dated 23.01.1980 to upgrade herself as Secondary Grade Teacher, she once again underwent the training course conducted by S.E.R.T.C., Government of Tamil Nadu in April 1987. Therefore, the learned Special Government Pleader is not right in contending that the first respondent had not undergone the Secondary Grade Teacher Training prior to her appointment. Therefore, it is clear that the teachers training certificate obtained by the first respondent is a Secondary Grade Teacher Certificate and it shows that the first respondent even on the date of her appointment had the qualification for appointment as Secondary Grade Teacher. As such, she is eligible for Secondary Grade scale of pay for the period from 26.10.1973. Similar benefit was given to another teacher by the second appellant".

Following the above said order of this Division Bench of this Court, the present writ petition is also allowed. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

dpq

To

1. The Government of Tamil Nadu,
represented by the Secretary to the Government,
School Education Department,
Fort St. George, Chennai- 600 009.
2. The Director of Elementary Education,
College Road,
Chennai-9.

+1cc to M/S.P.Mahalakshmi, Advocate Sr. 54884
+1cc to the Government Pleader Sr. 54911

W.P.No.28256 of 2012

GJII(CO)
VR(31/8/2017)

सत्यमेव जयते

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