



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) .No.14022 of 2015

WEB COPY

N.Krishnaveni

...Petitioner

Vs.

1.The Director of School Education,
Chennai - 6.

2.The District Educational Officer,
Madurai District,
Madurai.

3.The Secretary and Correspondent,
Arulmigu Aandavar Subramaniasamy,
Girls Higher Secondary School,
Thirupparankundram,
Madurai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the salary for the periods from 29.08.2012 to 04.11.2013 and regularise petitioner's service from the date of her initial appointment i.e., from 29.08.2012 and thereupon to pay all eligible incentive and increments.

For Petitioner : Mr.V.R.Venkatesan,
For Respondents 1 & 2 : Mr. J.Gunaseelan Muthiah,
Government Advocate.
For Respondent 3 : Mr.S.Manohar

ORDER

This writ petition is filed for directing the respondents to pay the salary for the periods from 29.08.2012 to 04.11.2013 and to regularise the petitioner's service from the date of her initial appointment i.e., from 29.08.2012 to 04.11.2013 and also to pay all eligible incentives and increments as per law.

2.Heard Mr.V.R.Venkatesan, learned counsel appearing for the petitioner, Mr.J.Gunaseelan Muthiah, learned Government Advocate appearing for the respondents 1 and 2 and Mr.S.Manohar, learned counsel appearing for the respondent 3.

3.The petitioner was appointed in the permanent vacancy to the post of B.T. Assistant, History and joined on 29.08.2012 under the services of the Government school. At the time of the petitioner's appointment, she did not have the required qualification of Teacher Eligibility Test (TET). However, the petitioner appeared



for the TET examination conducted by the Teachers Recruitment Board on August, 2013 and successfully completed the TET examination on 05.11.2013. The second respondent has also approved the petitioner's appointment with effect from 05.11.2013 i.e., from the date of passing the TET examination and not from the date of the petitioner's appointment.

4.The grievance of the petitioner is therefore that, the petitioner's service should be regularised with effect from the date of her appointment as the petitioner is entitled to get her service regularised with effect from the date of her appointment, upon completion of her qualification in the year 2013 as per the direction in the relevant Government order.

5.The facts in the present case are not in dispute. The petitioner had all other qualification except TET at the time when the petitioner was appointed on 29.08.2012. It is also not in dispute that the petitioner passed the TET conducted in August 2013. This Court has repeatedly held in several judgments that the teachers in similarly placed position are entitled to get the approval for the appointment with effect from the date of appointment and that such teachers were also eligible and entitled to get their service regularised with effect from the date of appointment and for getting salary from the date of their initial appointment.

6.The learned counsel for the petitioner also produced the proceedings of the Director of School Education dated 20.01.2017 giving instructions to grant benefits to the teachers in terms of the judgment of a Division Bench of this Court, in W.A.No.1585, 1765, 1797, 1126 and 1127 of 2015. In the proceedings of the Director of School Education, the legal issue decided by this Court as to the entitlement of the petitioner in similar circumstances is accepted.

7.Hence, the petitioner is entitled to succeed and the writ petition is allowed directing the respondents to pay the salary to the petitioner for the period from 29.08.2012 to 04.11.2013 and to regularize the petitioner's service from the date of her initial appointment from 29.08.2012 and to pay all eligible incentives and service benefits by treating the petitioner's appointment as valid with effect from the date of her appointment. The payment of salary and regularisation shall be done accordingly within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(RTI)



To

1.The Director of School Education,
Chennai - 6.

2.The District Educational Officer,
Madurai District,
Madurai.

+1cc to Mr.V.R.Venkatesan, Advocate, SR.19130

+1cc to Mr.S.Manohar, Advocate, SR.50357

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.19405

ORDER MADE IN
W.P. (MD) .No.14022 of 2015
04.04.2017

KM/MR

kk/SKN/SAR2-13.04.2017-3P-6C