

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 23.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.A(MD)No.1248 of 2017
and
C.M.P(MD)No.8739 of 2017**

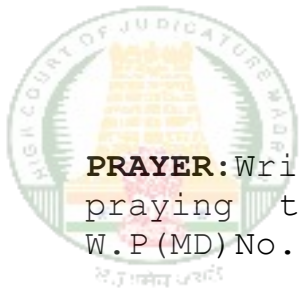
D.Arul Singh Gnana Selvaraj,
BT Assistant in Science,
A.P.C Veerabahu High School,
Pudupatti - 628 851,
Thoothukudi District.

...Petitioner/Appellant

.vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
4. The District Educational Officer,
Thoothukudi, Thoothukudi District.
5. The Secretary,
APC Veerabhahu High School,
Pudhupatti,
Thoothukudi District.
6. The Headmaster,
A.P.C. Veerabahu High School,
Pudhupatti - 628 851,
Thoothukudi District.

...Respondents/Respondents



PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 11.09.2017 passed in W.P(MD) No.17117 of 2017 on the file of this Court.

Prayer in WP(MD). 17117/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus directing the respondents to forbear from relieving the petitioner from his employment as BT Assistant (Science) in A.P.C. Veerabahu Shigh School, Pudhupatti.

For Appellant : Mr.Cibi Chakkraborathy for
M/s.Isaac Chambers
For R-1 to R-4 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R-5 & R-6 : Mr.S.Rajasekar for
Mr.T.Lajapathi Roy

JUDGMENT

[Judgment of the Court was made by **M.VENUGOPAL., J.**]

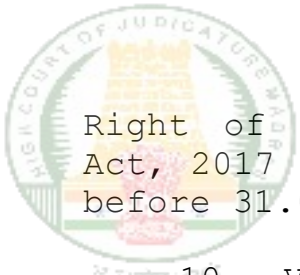
Heard both sides.

2. The Appellant/Petitioner has preferred the present intra-Court Appeal as against the order dated 11.09.2017 in W.P(MD) No.17117 of 2017 passed by the Learned Single Judge in dismissing the Writ Petition.

3. Earlier, the Learned Single Judge while passing the impugned order on 11.09.2017 in W.P(MD) No.17117 of 2017 at Paragraph Nos.6 and 7 had observed the following and resultantly dismissed the Writ Petition without costs.

"6. The learned counsel for the petitioner fairly submitted that when the TET examination was held in the month of April 2017, the petitioner was not able to qualify. It is further stated that the petitioner being a married man is unable to prepare for the examination and in any event, the Government has given time till 31.03.2017. Therefore, one more chance may be given to the petitioner to continue in service, he pleaded.

7. I do not agree with this prayer. It is true that the Central Government has passed a Bill granting time to pass TET until 31.03.2019, whereas, the petitioner was specifically granted time till 31.03.2015 at the first exam held after 31.03.2015. The petitioner failed in that exam also. Therefore, I am not able to



Right of Children to Free and Compulsory Education (Amendment) Act, 2017 (Act 24 of 2017). As such, the deadline date is on or before 31.03.2019.

10. Viewed in that perspective, this Court comes to an irresistible conclusion that the view taken by the Learned Single Judge in dismissing the Writ Petition(MD)No.17117 of 2017, vide order dated 11.09.2017, is not tenable in the eye of Law.

11. Resultantly, this Court interferes with the said order of dismissal of the Writ Petition(MD)No.17117 of 2017, dated 11.09.2017 and sets aside the same, in furtherance of the substantial cause of justice. Consequently, the Writ Appeal succeeds.

12. In fine, the Writ Appeal is allowed and the order of the Learned single Judge dated 11.09.2017 passed in Writ Petition(MD) No.17117 of 2017, is set aside for the reasons assigned by this Court in this Writ Appeal. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. The Director of School Education,
College Road,
Chennai - 600 006.

3. The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

4. The District Educational Officer,
Thoothukudi, Thoothukudi District.

+1cc to M/S.ISAAC CHAMBERS, Advocate SR.No.83377.

JUDGMENT MADE IN
W.A(MD)No.1248 of 2017
23.10.2017