



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A.(MD) No. 49 of 2016
against
W.M.P.(MD).No.2 of 2013
in
W.P.(MD).No.9915 of 2013
and
C.M.P.(MD).No.379 of 2016

- 1.The Director of Elementary Education,
Chennai-6.
- 2.The District Elementary Educational Officer,
Ramanathapuram.
- 3.The Assistant Elementary Educational Officer,
Mandapam at Mandapam Camp,
Ramanathapuram District. ... Appellants/Respondents

Vs

- 1.T.Ramasamy ... 1st Respondent/Petitioner
- 2.Saraswathi Elementary School,
rep.by its Secretary,
Kalavai Street, J.J.Nagar,
Rameswaram, Ramanathapuram District

... 2nd Respondent/4th Respondent

Writ Appeal is filed under Clause 15 of Letters Patent
against the order dated 21.06.2013 made in M.P.(MD).No.2 of 2013
in W.P(MD).No.9915 of 2013.

For Appellants :Mr.VR.Shanmuganathan
Spl.Govt.Pleader
For R.1 :Mr.V.Paneerselvam
For R.2 :No appearance

JUDGMENT

[Judgment of the Court was delivered by
J.NISHA BANU, J.]

The present Writ Appeal has been filed against the interim order dated 21.06.2013 made in M.P.(MD).No.2 of 2013 in W.P(MD).No.9915 of 2013.

2. The first respondent herein is the petitioner in W.P (MD).No.9915 of 2013 and the appellants herein are the respondents in W.P(MD).No.9915 of 2013. The second respondent herein is the fourth respondent in W.P(MD).No.9915 of 2013. However, for the sake of convenience, the parties are referred to as per the rank mentioned in the Writ Petition for the purpose of disposal of this Writ Appeal.

3. Extending the interim orders passed in a batch of writ petitions to give temporary approval to the teachers concerned in similar writ petitions, the respondent authorities were directed to pass orders granting necessary aid by way of salary to those teachers as temporary measure pursuant to the temporary approval granted in these orders and those teachers shall appear in the August 2013 TET examinations that could be conducted by the Teachers Recruitment Board and also considering the statement of the Additional Advocate General that the teachers recruitment board would conduct TET examination during August 2013, the petitioner was directed to participate in the examination to be conducted in the year August 2013, against which, the present writ appeal was filed and in the writ appeal, no interim order was passed by this Court.

4. However, when the matter was taken up for final hearing, the respondents have produced the order passed by the Division Bench of this Court dated 24.01.2017, wherein, this Court has passed the following order:-

"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."

Since the petitioner also comes within the parameters of the orders passed by this Court and the issue involved in this writ appeal is no more *res integra*, the same benefit is extended to the writ petitioner also. Consequently, the respondents are directed to approve the appointment of the petitioner and pay salary to the petitioner, if not paid already, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, this writ appeal stands disposed of, in the above terms. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

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

<https://hcservices.ecourts.gov.in/hcservices/>

2.The District Elementary Educational Officer,
Ramanathapuram.



3.The Assistant Elementary Educational Officer,
Mandapam at Mandapam Camp,
Ramanathapuram District.

+1cc to M/s.V.PANNEER SELVAM Advocate in SR. No.11315

SSM

JS/JC/03/04/2017/4P-5C

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