

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1560 of 2017

and C.M.P.Nos.20450 and 20451 of 2017

- 1.The Secretary to Government of Tamil Nadu,
Education Department,
Fort St.George, Chennai-600 009.
 - 2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Compound, College Road,
Chennai-600 006.
 - 3.The Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.
 - 4.The Joint Director of School Education,
Directorate of School Education,
DPI Compound, College Road,
Chennai-600 006.
 - 5.The Chief Educational Officer,
Old Railway Road,
Erode-638 002.
- ...Appellants/Respondents

-vs-

R.Renugadevi ...Respondent/Petitioner

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.6312 of 2013 dated 01.02.2017 against the writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to Na. Ka. No. 96600/C2/E1/12 dt. Nil.1.2013 on the file of the 4th respondent herein and quash the same and consequently direct the respondents to appoint the petitioner as Graduate Assistant (Science).

For Respondent :: Mr.G.Mutharasu

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

Challenging the proceedings of the fourth appellant dated 29.01.2013 cancelling the appointment order appointing the respondent as B.T.Assistant (Science) in Government High School, Kadattati, Erode District, on the ground that B.Sc.Biochemistry is not equivalent to B.Sc.Chemistry, the respondent approached this Court by filing a writ petition in W.P.No.6312 of 2013 and the same was allowed by this Court on 01.02.2017. Challenging the said order passed by the writ Court, the Government has come up with the present appeal.

2.The learned Additional Government Pleader appearing for the appellants has submitted that the issue as to whether B.Sc.degree in Biochemistry is equivalent to B.Sc.Chemistry for the purpose of employment in public service, was placed before the Equivalence Committee for consideration and subsequently orders were issued by the Government in G.O.Ms.No.133, School Education (M2) Department, dated 04.06.2012 to the effect that B.Sc.degree in Biochemistry is not equivalent to B.Sc.Chemistry for the purpose of employment in public service. Hence, as per the said Government Order and also the rules in force, the respondent is not at all entitled for the relief as claimed by her, according to the learned Additional Government Pleader. She further submitted that the respondent has not so far challenged the said Government Order. Stating so, she prayed for quashing the order under challenge in this appeal.

3.The learned counsel for the respondent has submitted that while passing the order cancelling the appointment order already issued to the respondent, neither any notice was served nor any opportunity of personal hearing was afforded to the respondent to put forth her defence. It is his further submission that the appointment of the respondent was much prior to the issuance of G.O.Ms.No.133 dated 04.06.2012. Stating so, he prayed for sustaining the order passed by the learned single Judge in the writ petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. It appears that before passing the order by the fourth appellant cancelling the appointment order already issued to the respondent, no proper opportunity was given to the respondent, either by way of issuing notice or by way of personal hearing. Further, it is the case of the respondent that her appointment was

much prior to the issuance of G.O.Ms.No.133 dated 04.06.2012 and hence the same is not applicable to her case.

6.In view of the above stated circumstances, we hereby set aside the impugned order dated 01.02.2017 in W.P.No.6312 of 2013 and remand back the matter to the appellants to take a final decision and to pass appropriate orders as regards the appointment of the respondent, after affording opportunity to the respondent in accordance with law and taking into consideration the contention raised by the respondent that G.O.Ms.No.133 is not applicable to her, as her appointment was made much prior to the issuance of the said G.O. The said exercise has to be completed within a period of three months from the date of receipt of a copy of this judgment.

7.The writ appeal is disposed of accordingly. Consequently the connected miscellaneous petitions are closed. No costs.

Sd/-

ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

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To

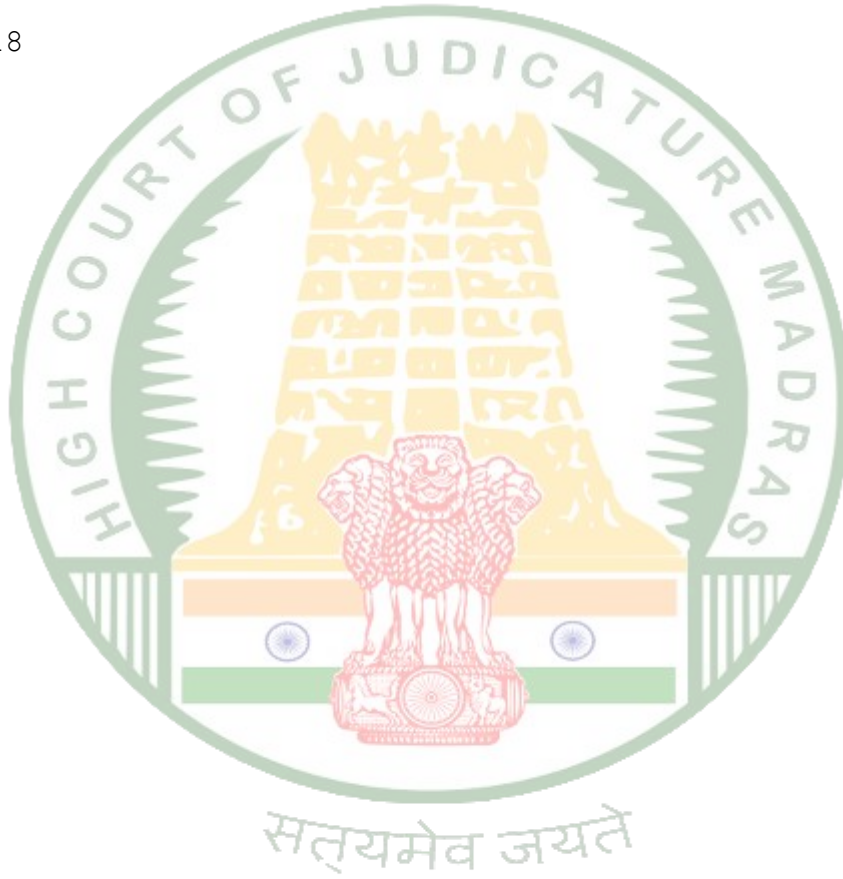
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+1 cc to M/s.G.Mutharasu, Advocate SR.NO. 5085

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 5539

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