

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.1.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.26 of 2018

and

C.M.P.No.252 of 2018

- 1 The Government of Tamilnadu
Rep. by its Addl. Chief Secretary
The Department of School Education (C2)
Fort St. George Chennai-600 009.
- 2 The Director of School Education
DPI Campus College Road
Chennai-600006
- 3 The Chief Educational Officer
The Office of the Chief Educational Officer
Vellore-9.
- 4 The District Educational Officer
Vellore Vellore District. Appellants

Versus

1. Mrs.T.Felicia
2. The Correspondent,
C.S.I. Andrew's Higher Secondary School,
Arakonam 631 001. Vellore District. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 29.4.2015 passed in M.P.No.3 of 2015 in W.P.No.12999 of 2015 on the file of this court.

PRAYER IN MP.3/2015 IN WP.12999/15:

Petition praying To direct the respondents to continue to pay salary to the petitioner working as B.T. Asst. (Sci.) in CSI St. Andrew Higher Secondary School, Arakkonam-631001, Vellore District. w.e.f. 12.06.2012, based on the approval accorded on

02.03.2015, without reference to the condition of completing TET exam. In WP: 12999/15 filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus Calling for the records pertaining to the impugned G.O.(Ms). No.181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 02.03.2015 in Na.Ka.No. 3900/A5/2013 on the file of the 4th respondent, in so far as it imposes an illegal condition to complete TET exam on or before 31.03.2015 and quash the same in respect of the petitioner, directing the respondents to accord permanent approval to the appointment of the petitioner, Mrs. T.Felicia, B.T. Asst. (Sci.) in CSI St. Andrew Higher Secondary School, Arakkonam-631001, Vellore District. w.e.f. 12.06.2012, with all service benefits

For appellant : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

For respondent : N.A

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge allowing the interim application and thereby directing the appellants to pay salary to the writ petitioner/first respondent herein without insisting the TET qualification till the disposal of the writ petition.

3. It has been held in the case of SECRETARY TO GOVERNMENT v. S.JEYALAKSHMI ((2016) 7 MLJ 155) that the Government cannot insist for possession of Teacher Eligibility Test qualification for granting approval of their appointment. Therefore, the subject matter of the writ appeal is no more res integra. Further, the writ appeal, having been filed challenging the order passed in an interim application, we find that the main writ petition itself has been disposed of by this court by order dated 24.8.2016. Therefore, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-ii)

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Sub Assistant Registrar

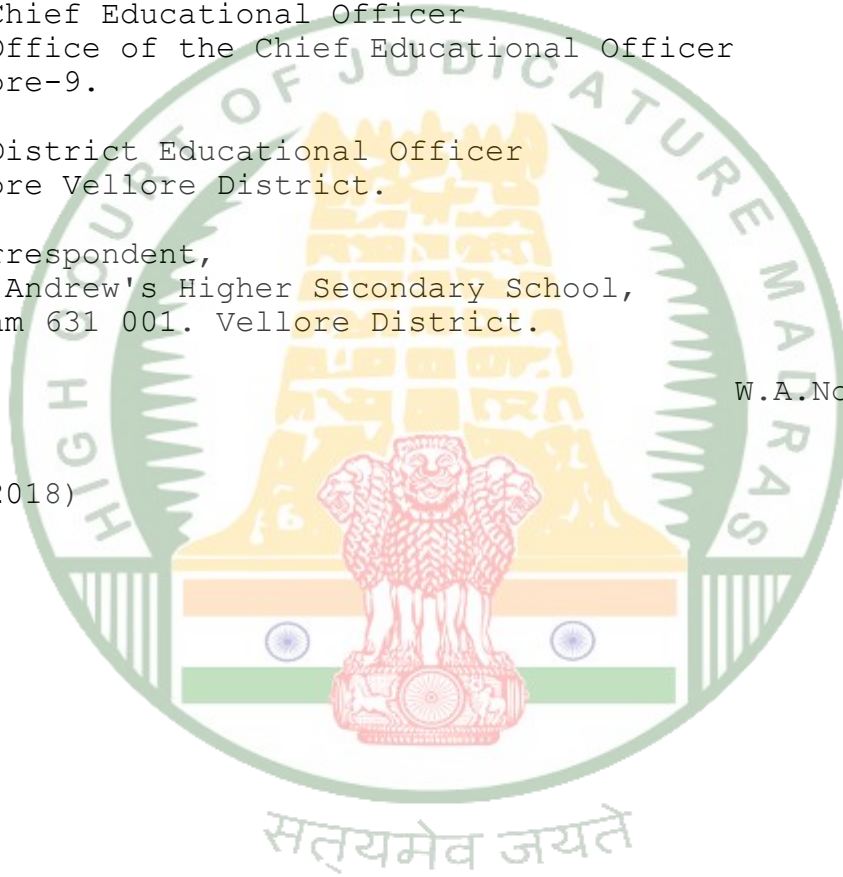
ssk.

To:

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