

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33451 of 2017
and
WMP.Nos.36944 and 36945 of 2017
and
WMP No.14427 of 2018

K.Alamelu

..Petitioner

Vs

- 1.The Government of TamilNadu
rep. by its Principal Secretary to Government
School Education Department,
Fort.St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 3.The District Elementary Educational Officer,
Cuddalore District,
Cuddalore.
- 4.The Assistant Elementary Educational Officer,
Kammapuram-600 103,
Cuddalore District.
- 5.The Secretary
Aided Elementary School,
U.Kombadi Kuppam, Kammapuram,
Vridhachalam Taluk,
Cuddalore District - 607804.

.. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant extension of period to acquire the qualification of passing of Teachers Eligibility Test (TET) to the petitioner based on the amendment to the provision of the Right of Children Free and compulsory Education Act, 2009 by considering the representation submitted by the petitioner on 07.08.2017 and to direct the Respondents 1 to 4 to

pay the arrears of salary to the petitioner from the date of her appointment i.e on 14.07.2014 and continue to pay the salary in the light of the order of this Hon'ble Court dated 24.01.2017 made W.A. No. 1126 of 2015 etc., batch.

For Petitioner : Mr.A.S. Kaizer
For (RR-1 to 4) : Mr.K.Karthikeyan
Government Advocate
For R5 : No appearance

O R D E R

The relief sought for in this writ petition is to direct the respondents to grant extension of period to acquire the qualification of passing of Teachers Eligibility Test (TET) to the petitioner based on the amendment to the provision of the Right of Children Free and compulsory Education Act, 2009 by considering the representation submitted by the petitioner on 07.08.2017 and to direct the Respondents 1 to 4 to pay the arrears of salary to the petitioner from the date of her appointment i.e on 14.07.2014 and continue to pay the salary in the light of the order of this Hon'ble Court dated 24.01.2017 made W.A. No. 1126 of 2015 etc., batch.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the writ petitioner was not possessing the requisite qualification of Teachers' Eligibility Test (TET). However, by virtue of the interim order granted by this Court, a temporary approval was granted to the petitioner and she is continuing in service as such.

3. The learned counsel for the writ petitioner as well as learned Government Advocate brought to the notice of this Court that the Government passed orders extending time to possess the requisite qualification of pass in Teachers' Eligibility Test. Accordingly, every Teacher appointed has to pass the Teachers' Eligibility Test, before 31.03.2019.

4. Thus, it is made clear that the petitioner may be allowed to continue in service till 31.03.2019 and it is further made clear that the petitioner should possess the qualification of Teachers' Eligibility Test before the cut off date fixed by the Government. If the petitioner is not in a position to pass the test, then the respondents are at liberty to take all further action after the expiry of the time limit, fixed by the Government for passing the Teachers Eligibility Test.

5. Further, in respect of the request made by the petitioner with regard to the arrears of salary, the representation dated 07.08.2017 submitted by the petitioner shall be considered by the authorities concerned.

6. With this observation, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ak
To

- 1.The Principal Secretary to Government,
School Education Department,
Fort.St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 3.The District Elementary Educational Officer,
Cuddalore District,
Cuddalore.
- 4.The Assistant Elementary Educational Officer,
Kammapuram-600 103,
Cuddalore District.

+lcc to Mr.A.S.Kaizer, Advocate Sr.52023

+lcc to the Government Pleader Sr.51843

WEB COPY

W.P.No.33451 of 2017
and
WMP.Nos.36944 and 36945 of 2017
and
WMP No.14427 of 2018

vgi[col]
srg 20/08/2018