

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 4.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.956 of 2018  
and  
C.M.P.No.8146 of 2018

1. The Director of Elementary Education, College Road, Chennai 600 006.
  2. The District Elementary Educational Officer, Madurai District, Madurai.
  3. The Additional Assistant Elementary Educational Officer, Madurai South, Madurai.
- Appellants

Versus

1. S.Rajathi
  2. The Secretary, Chandra Middle School, Melannuppanadi, Sector VI, Housing Board, Madurai 625 009.
- Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.3.2017 passed in W.P.No.18229 of 2008 on the file of this court.

W.P.No.18229 of 2008:

Writ Petition filed under Article 226 of the constitution of India praying for the issuance of a Writ of Mandamus directing the 1<sup>st</sup> respondent to approve the appointment of the petitioner as secondary grade Teacher with effect from 15.04.1998 in the 4<sup>th</sup> Respondent school with all consequential benefits.

For appellants : Mr.C.Munusamy,  
Special Government Pleader

For R1 : Mr.S.N.Ravichandran

For R2

: Mr.Godson Swaminath for  
M/s.Issac Chambers

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 Education Department challenging the order passed by the learned Single Judge in allowing the writ petition filed by the first respondent herein and thereby directing the appellants to approve the appointment of the writ petitioner as Secondary Grade Teacher at the second respondent-School from 15.4.1998 with all service benefits.

3. It appears that the first respondent herein, possessing the qualification of B.A. and B.Ed., had been appointed by the fourth respondent in the year 1998 in the post of Secondary Grade Teacher and since then she has been working continuously in the second respondent School as against a sanctioned vacancy, however, her appointment was refused to be approved by the authorities on the ground that she does not possess the qualification of Diploma in Teacher Education as stipulated in G.O.Ms.No.559, School Education Department dated 11.7.1995. However, it further appears that the said G.O. was challenged before this court and ultimately, in W.A.Nos.991 to 998 of 1998 and batch, by order dated 29.6.2001, the validity of the said G.O. was upheld, but, it appears that as an alternate to the Diploma course, a direction was given therein that such candidates shall be sent for one month child psychology training and on successful completion of such training, their appointment in the post of Secondary Grade Teacher shall be approved.

4. In such a backdrop, the learned Single Judge having observed in para 23 of the order as under:-

"... Though the said order was passed by the Division Bench of this court as early as on 29.6.2001, and during that period the petitioner also had been working at the fourth respondent school and a number of persons similarly placed like that of the petitioner had been sent for such training, the petitioner had not been sent for child psychology training for the reasons best known to the official respondents."

5. It is further observed by the learned Single Judge in

para 29 of the order thus:-

" This court finds force with the said submission made by the learned counsel for the petitioner as in this case also the petitioner had been appointed in the year 1998 since then had been continuously working in the fourth respondent school that too in a sanctioned vacancy and after great struggle the petitioner also had completed the child psychology training, hence, she would be entitled to get the approval of her appointment from the date of her original appointment i.e., from 15.4.1998."

6. For the delay on the part of the appellants in sending the first respondent herein for the child psychology training as directed in the judgment of the Division Bench, the first respondent need not be made to suffer. In such view of the matter we do not find any reason to interfere with the order passed by the learned Single Judge. The appellants are directed to comply with the order passed by the learned single Judge, by approving the appointment of the first respondent herein from 15.4.1998 with all service benefits.

7. In the result, the writ appeal fails and the same is dismissed. No costs. The connected miscellaneous petition is also dismissed.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

ssk.

To:

1. The Director of Elementary Education, College Road, Chennai 600 006.
2. The District Elementary Educational Officer, Madurai District, Madurai.
3. The Additional Assistant Elementary Educational Officer, Madurai South, Madurai.

+1 CC to Mr.S.M. Ravichandran, Advocate sr 43110.  
+1 CC to M/s. Isaac Chambers sr 43540

W.A.No.956 of 2018

SP(09/08/2018)



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