



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.2440 of 2018

and

W.M.P.(MD).Nos.2635 & 2636 of 2018

K.Essaki Duraichi

...Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Fort.St.George, Chennai.

2.The Director of School Education,
College Road, DPI Campus, Chennai.

3.The District Elementary Educational Officer,
Tenkasi, Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Tenkasi, Tirunelveli District.

5.The Secretary,
HNKM Pandiyan Vidyasalai,
Pattakurichi-627 814, Tenkasi Taluk,
Tirunelveli District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent in Na.Ka.No.1513/A1/2017 dated 21.12.2017 and quash the same and consequently direct the respondents 3 and 4 herein to approve the appointment of the petitioner as Secondary Grade Teacher in the fifth respondent school with effect from 04.12.2017 with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.T.Pon Ramkumar

For R1 to R4 : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

Heard Mr.M.Jeyakumar, learned Additional Government Pleader,
appearing for the respondents 1 to 4.



2.By consent of both parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner was appointed as Secondary Grade Teacher in the fifth respondent school on 04.12.2017.

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4.It is not in dispute that the appointment is in respect of the sanctioned post. The petitioner is however not possessing Teacher Eligibility Test qualification. Such candidates have been given time till 31.03.2019 to acquire the said qualification. Therefore, the regular approval in respect of the petitioner's appointment can await the passing of the Teacher Eligibility Test by the petitioner, But, till then the petitioner will have to be paid her salary.

4.The third respondent is therefore directed to release the grant in aid in respect of the petitioner's salary and other benefits with effect from the date of her appointment i.e., 04.12.2017.

5.The Writ Petition is allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
School Education Department,
Fort.St.George, Chennai.

2.The Director of School Education,
College Road, DPI Campus, Chennai.

3.The District Elementary Educational Officer,
Tenkasi, Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Tenkasi, Tirunelveli District.

+1CC to Mr.T.Pon Ram Kumar, Advocate, SR.No. 54075

+1CC to the Special Government Pleader SR.No.54510

ORDER MADE IN
W.P.(MD).No.2440 of 2018
09.03.2018

tsg

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AM/SRN RSR/SAR 3/13.03.2018/2P/7C