



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 2894 of 2018

and

W.M.P. (MD) . No. 3053 of 2018

The Correspondent,
St.Joseph's Primary School,
Mattiarendal - 623 533,
Ramanathapuram District.

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Chennai-9.

3.The District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4.The Additional Assistant Educational Officer,
Mudukalathur - 623 704,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent District Elementary Educational Officer to approve forthwith the appointment of A. Lawrence as Secondary Grade teacher in the petitioners school w.e.f. 06.06.2015 to 31.07.2016 and disburse all monetary and other benefits from such date.

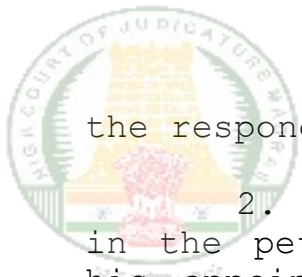
For petitioner

: Miss. Amala
for Isaac Chambers

For respondents

: Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R



the respondents.

2. One A. Lawrence was appointed as Secondary Grade Teacher in the petitioner/School with effect from 06.06.2015. However, his appointment was not initially approved. This was for the reason that the said appointee did not clear Tamil Nadu Teacher Eligibility Test.

3. The matter was taken up before this Court and certain directions in favour of the School Management were issued on 19.08.2016. Pursuant thereto, the said appointee A. Lawrence is being given his monthly salary with effect from 01.08.2016 onwards. The grievance of the School Management is that the said A. Lawrence secured 85 marks and then therefore he had cleared Tamil Nadu Teacher Eligibility Test. Placing reliance on the decision of the Hon'ble Supreme Court reported in (2017) 1 SCC 322 - (*V. Lavanya vs. State of Tamil Nadu*) which upheld G.O. Ms. No. 25, dated 06.02.2014 and Judgment of the Hon'ble Division Bench of this Court reported in (2016) 7 MLJ 155- (*Secretary to Government vs. S. Jeyalakshmi*), the School management seeks approval of his appointment as Secondary Grade Teacher with effect from 06.06.2015 onwards. As of now the appointment of A. Lawrence has not been approved, his service register has not been opened and salary for the period from 06.06.2015 to 31.07.2016 has not been disbursed. In this regard, a representation has also been given by the School Management. But till date no order has been passed by the department.

4. Facts are not in dispute. The petitioner/School is a minority institution. The appointment of A. Lawrence as a Secondary Grade Teacher was in respect of a sanctioned post and his eligibility is also not in dispute. Subsequently he has secured 85 marks in Tamil Nadu Teacher Eligibility Test also. Therefore, in view of the decision of Hon'ble Division Bench reported in (2016) 7 MLJ 155 and that of the Hon'ble Supreme Court (2017) 1 SCC 322, the third respondent is directed to approve forthwith the appointment of A. Lawrence as Secondary Grade Teacher in the petitioner/School with effect from 06.06.2015. The salary for the said appointee for the period from 06.06.2015 to 31.07.2016 shall also be disbursed within period of eight weeks from today.

5. This Writ Petition stands allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/

Assistant Registrar (T&P)

/True copy/



To:

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2. The Director of Elementary Education,
College Road, Chennai-9.

3. The District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

4. The Additional Assistant Educational Officer,
Mudukalathur - 623 704,
Ramanathapuram District.

+1cc to Mr. ISSAC CHAMBERS, Advocate, SR.No.50294

+1cc to M/s. Special Government Pleader, SR.No. 50554

W.P. (MD) .No.2894 of 2018
21.02.2018

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