



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 10.01.2018**

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) No.19323 of 2014**

S.A.L.J.Pushpam

... Petitioner

Vs.

1. The State of Tamil Nadu,  
represented by its Secretary to Government,  
Education Department,  
Secretariat, Chennai.
  2. The Director of Elementary Education,  
College Road, Chennai-6.
  3. The District Elementary Educational Officer,  
Tirunelveli, Tirunelveli District.
  4. The Additional Assistant Elementary Educational Officer,  
Cheranmahadevi,  
Tirunelveli District.
  5. R.C.Middle School,  
Veeravanallur,  
Tirunelveli District,  
Represented by its Secretary cum Correspondent,  
Rev.Fr.V.K.S.Arul Raj
- ...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to approve the appointment of the petitioner as Secondary Grade Teacher in the fifth respondent school with effect from 18.07.1996 and to sanction and pay all monetary and service benefits from 18.07.1996 to 01.06.2003 and also to calculate the said period for the pensionary benefits.

For Petitioner : Mr.S.C.Herold Singh  
For Respondents : Mr.J.Gunaseelan Muthiah  
for R1 to R4  
Additional Government Pleader

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**ORDER**



2.The petitioner was appointed in the fifth respondent school on 18.07.1996 as Secondary Grade Teacher. Following the issuance of G.O.Ms.No.155, School Education D2 Department, dated 03.10.2002, the petitioner was permitted to undergo child psychology training which he completed on 31.05.2003. Thereafter, the District Elementary Officer, Tirunelveli District, issued proceedings dated 16.08.2003 for granting approval for the appointment of the petitioner as secondary grade teacher from the date of completion of the said child psychology training course. The petitioner chose to accept the said order of an approval and keep quiet. Only much later, he submitted a representation dated 15.02.2013 and thereafter file the present writ petition for directing the authorities to approve his appointment as a secondary grade teacher in the fifth respondent school with effect from 18.07.1996 and for payment of consequential benefits.

3.The learned counsel appearing for the petitioner placed reliance on quite a few decisions of this Court particularly the one dated 22.01.2013 made in ***W.P. (MD) .Nos.19821 of 2003, 11443, 12095, 12317, 12318 of 2005-(S.Singarayar, S.Chandrasekar, T.M.Khajamohideen, G.Chockalingam Vs. State of Tamil Nadu, Represented by Secretary to Government, Educational Department, Fort St. George, Chennai-3)***. The learned counsel appearing for the petitioner would further submit that the period from 1996 to 2003 during which the petitioner admittedly served in the fifth respondent school should be counted for pension purposes.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 would oppose the prayer made in the writ petition and sought dismissal of this writ petition. The petitioner has filed this petition in the nature of writ of Mandamus. He has not questioned the order dated 16.08.2003 issued by the third respondent herein, approving his appointment. In other words, the said proceedings dated 16.08.2003 stand unchallenged. The said proceedings were issued in terms of GO.MS.No.155 School Education D2 Department, dated 03.10.2002.

5.This Court has to sustain the stand of the respondents. In the cases relied upon by the learned counsel appearing for the petitioner, clauses 3 and 8 of G.O.Ms.No.155 dated 03.10.2002 School Education D2 Department, were specifically impugned. In the present case, there is no such challenge. More than anything else, the petition also suffers from the vice of laches. When the order of approval was issued as early as on 16.08.2003, the writ petition itself came to be filed eleven years later. That is why in the counter affidavit filed by the fourth respondent, it was rightly pointed out the petitioner cannot claim the benefit that was extended to other persons who approached this Court in time and by mounting a specific challenge to the relevant clauses



in G.O.Ms.No.155 School Education D2 Department. The petitioner cannot claim parity with those persons. The Writ Petition is not maintainable because she had accepted the terms on which her appointment was approved.

6.The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The State of Tamil Nadu,  
represented by its Secretary to Government,  
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Tirunelveli, Tirunelveli District.
4. The Additional Assistant Elementary Educational Officer,  
Cheranmahadevi,  
Tirunelveli District.

+1cc to Mr.S.C.Herold Singh, Advocate Sr.No.41441

+1cc to Spl.Government Pleader Sr.No.42258

TSG

VB/MR/SAR3/15.02.2018/3P/7C

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