



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.8800 of 2014
and
M.P (MD) Nos.1 and 2 of 2014

V.Swarnamugi

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
(Primary Education)
Secretariat,
St.George Fort,
Chennai-600 006.

2.The Director,
Directorate of Primary Education,
College Road,
Chennai.

3.The District Elementary Education Officer,
Thoothukudi.

4.The Assistant Elementary Educational Officer,
Ottapidaram,
Thoothukudi District.

5.The Secretary,
Hindu Primary School,
Chandiragiri, Melaseithalai Post,
Ottapidaram Taluk,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to retain the petitioner in service in the fifth respondent school till the expiry of 5 years from the commencement of the Act enabling the petitioner to acquire the prescribed qualification in time holding the petitioner as deemed to be in continuous service .

For Petitioner
For R1 to R4

:Mr.M.Sheik Abdullah
:Mr.J.Gunaseelan Muthiah
Additional Government Pleader
:Mr.P.Pethu Rajesh

For R5

**ORDER**

The writ petitioner claims that she was appointed as Secondary Grade Teacher in the fifth respondent school on 11.05.2012. Since she was not having TET qualification, she was relieved with effect from 15.03.2014. Therefore, the present writ petition came to be filed.

2.The only ground on which the writ petitioner was disengaged was that she was not having TET qualification. It is now conceded that the candidates have been given time to acquire TET qualification till March 2019. Therefore, there cannot be any impediment for the reinstatement of the writ petitioner.

3.The learned counsel appearing for the petitioner on instructions from his client submitted that he was not even paid the wages for the period when she was in service.

4.It is submitted by the learned counsel for the school management that the proposal was given in person and the said proposal is still with the third respondent. Therefore, the third respondent is directed to hold an enquiry as to whether the petitioner herein actually served from 01.06.2012 to 15.03.2014. The writ petitioner as well as the fifth respondent are permitted to place the relevant materials in support of their claim. If the third respondent comes to the conclusion that the writ petitioner was actually appointed with effect from 01.06.2012 and she served till 15.03.2014, the third respondent will release the teaching grant in aid in respect of the writ petitioner for the said period also. The fifth respondent is also directed to reinstate the writ petitioner with effect from 01.04.2018. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

5.With this direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

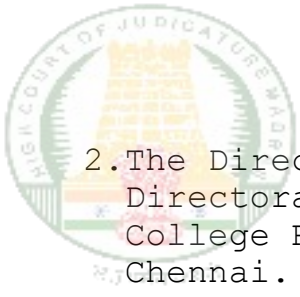
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
(Primary Education)
Secretariat,
St.George Fort,
Chennai-600 006.



2.The Director,
Directorate of Primary Education,
College Road,
Chennai.

3.The District Elementary Education Officer,
Thoothukudi.

4.The Assistant Elementary Educational Officer,
Ottapidaram,
Thoothukudi District.

+1CC to Mr.M.Sheik Abdullah Advocate in SR.No.58800.

+1CC to Mr.P.Pethu Rajesh Advocate in SR.No.59189.

RMI

DS/RSK/SAR-1 :03.07.2018: 3P/7C

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