



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1739 of 2016

and

W.M.P. (MD) .No.17505 of 2017

S.Israel Selvasingh

... Petitioner

Vs.

1.The Director of Elementary School Education,
College Road, Chennai-600 006.

2.The District Elementary Educational Officer,
Tuticorin.

3.The Additional Assistant Elementary
Educational Officer,
Pudukottai, Tuticorin District.

4.TNDTA Middle School,
CSI Tuticorin-Nazertath Diocese,
Represented by its Correspondent,
Servaikaranmadam,
Tuticorin District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay arrears of salary from the month of November 2012 and further release the monthly grant in order to enable the fourth respondent to pay salary to the petitioner continuously for the future period, in view of the judgment rendered by the Hon'ble Supreme Court in Pramati Educational & Cultural Trust & others case.

For Petitioner : Mr.N.Sathish Babu

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr.J.Gunaseelan Muthiah for R1 to R3
Additional Government Pleader



For fourth Respondent : No Appearance

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ORDER

Heard the learned counsel on either side.

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

3.The petitioner is working as B.T. Assistant in the fourth respondent/school. It is a minority institution. It is not in dispute that the vacancy is a sanctioned one. It is not in dispute that the petitioner is eligible and qualified to hold the said post.

4.The learned counsel appearing for the petitioner submits that he is getting salary pursuant to an order passed in this Writ Petition. The issue arose on account of mass sacking of number of teachers on the ground that they are not having Teachers Eligibility Test qualification. Since the petitioner is working in a minority school, the question of acquiring the Teacher's Eligibility Test qualification cannot be an issue, as of now. Therefore, the respondents have to necessarily pay the arrears of salary to the petitioner.

5.The second respondent is directed to disburse the arrears of salary to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition is allowed accordingly. No costs. consequently, the connected miscellaneous petition is closed.



/True Copy/

Sub Assistant Registrar

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To

- 1.The Director of Elementary School Education,
College Road, Chennai-600 006.
- 2.The District Elementary Educational Officer,
Tuticorin.
- 3.The Additional Assistant Elementary
Educational Officer,
Pudukottai, Tuticorin District.
4. The Correspondent,
TNDTA Middle School,
CSI Tuticorin-Nazertath Diocese,
Servaikaranmadam,
Tuticorin District.

+1cc to M/S.N.SATHISH BABU, Advocate SR.No.46066.
+1cc to Special Government Pleader in SR.No.46557.

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tsg
SDS/MR/SAR 1/19.02.2018/3P/7C