

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.12.2019

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ
W.P.NO.12567 OF 2005

C.O.Rachel

... Petitioner

Vs.

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

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

3.The Chief Educational Officer
Nagercoil,
Kanyakumari District.

4.The District Elementary Educational Officer
Nagercoil, K.K.District.

5.The District Educational Officer
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: This Writ Petition came to be numbered under Article 226 of the Constitution of India by way of transfer of O.A.No.2177 of 2001 from the file of Tamil Nadu Administrative Tribunal with a prayer to call for the records relating to the order of the fifth respondent issued in Na.Ka.No.16500/A3/97 dated 11.07.2000 and the consequential order of the second respondent made in O.Mu.No.153524/C21/C6/2000 dated 07.01.2001 to quash the same and consequently direct the respondents to give effect to the promotion to the petitioner as Primary School Headmaster from 31.07.2000 with all salary and other benefits.

For Petitioner : Mr.L.Chandrakumar

For Respondents: Mr.P.Raja
Government Advocate

O R D E R

The petitioner passed S.S.L.C. from the State of Kerala in the year 1965 in 10 years pattern. In G.O.Ms.No.534, Personnel and Administrative Reforms (Por.K) Department, dated 13.10.1988, it was treated as equivalent to Tamil Nadu S.S.L.C. She completed her Teacher Training Certificate (TTC) in 1967 in the State of Kerala. Thereafter, she joined as a Higher Grade Teacher in a leave vacancy on 01.08.1970 and thereafter, she was appointed as Secondary Grade Teacher on 01.01.1971 and posted at Government Primary School, Pitiyur, Kesavanpudur, Kanyakumari District. Thereafter, she passed Tamil Nadu S.S.L.C. examination in the year 1972 and also passed Tamil language test in 1978. Her services were regularised from 01.10.1972 to 1975 and she was given permanent status on 01.06.1976. She had completed 26 years of service as a Secondary Grade Teacher and therefore, she was eligible to be appointed as Headmistress in Primary School. At that point of time, a letter in Na.Ka.No.16500/A3/97 dated 11.07.2000 was issued by the fifth respondent stating that the Teacher Training Certificate issued by the State of Kerala cannot be treated as equivalent and therefore, she was directed to be relieved from the school. Against which, the petitioner made a representation to the respondents 1 to 3. The second respondent in proceedings O.A.No.153524/C-21/C-6-2000, dated 07.01.2001 had confirmed the order of the fourth respondent by stating that the Teacher Training Certificate submitted by the petitioner from Kerala State Board cannot be evaluated and rejected the appeal. Aggrieved over the same, the petitioner has approached the Tamil Nadu Administrative Tribunal in O.A.No.2177 of 2001.

2. In view of the abolition of the Tribunal, the matter stood transferred to this Court and renumbered as W.P.No.12567 of 2005.

3. At the time of admission, interim injunction was granted and by virtue of that, the petitioner has continued in the post of Headmistress in a Primary School and retired from service on 31.07.2007. Now, the grievance of the petitioner is that the terminal benefits were not given.

4. The Government had taken a clear stand that the petitioner's request was rejected and that the Government in G.O.Ms.No.1196, Education Department, dated 03.12.1992, had taken a decision to evaluate the Teacher Training Certificate obtained from State of Karnataka upto the year 1984 and 1985 with a condition that they should have secured 50% pass in every subject. In so far as the Kerala Teacher Training Certificate is concerned, there is no evaluation and therefore, the petitioner's certificate cannot be evaluated.

5. Heard the submissions made on either side.

6. The Government in G.O.Ms.No.534, Personnel and Administrative Reforms (Por.K) Department, dated 13.10.1988, has declared that those persons who have passed 10 years SSLC of Kerala, Karnataka and Andhra Pradesh prior to 1978 and obtained not less than 35% of the mark in all the five subjects are deemed to have been possessing minimum general educational qualification for employment under the Tamil Nadu Government. In the instant case, the petitioner has passed her 10 years SSLC in 1965 and Teacher Training Certificate in 1967. She has also passed Tamil Nadu SSLC in the year 1972 and Tamil language test in 1978. Her services for appointment in the year 1971 was regularised and she was made permanent on 01.06.1976. She had put in 26 years of service as Secondary Grade Teacher. At that point of time, the respondents have taken a stand that her Teacher Training Certificate cannot be evaluated.

7. The Government in G.O.Ms.No.1196, Education Department, dated 03.12.1992 had considered a similar situation and accorded sanction to those people who have passed Teacher Training Certificate Course upto the year 1984 - 1985 can be evaluated and for the purpose of employment, the Government decided to grant relaxation of rules relating to age also. Further, the certificates of two persons, identical to the petitioner, were not evaluated, as it was given by the Kerala State.

8. In a similar circumstance, with respect to two similarly placed Teachers as per G.O.(Ms) No.645, Education, Science and Technology (M1) Department, dated 11.09.1996, the Government has examined the proposal of evaluation of the Teacher Training Certificate issued by the Kerala State and taken a conscious decision to accept the same. The certificates of two candidates were evaluated as equivalent to that of the Teacher Training Certificate of Tamil Nadu, in relaxation of the norms prescribed in G.O.Ms.No.1236, Education Department, dated 17.05.1984 as a special case. The petitioner before this Court is also standing on the same footing. Having served for more than 33 years, the respondents cannot now turn around and state that the Teacher Training Certificate issued by the State of Kerala in the year 1967 cannot be evaluated and it cannot be treated as equivalent to that of Teacher Training Certificate issued by the State of Tamil Nadu.

9. Now that the petitioner has retired from service on attaining the age of superannuation as Headmistress of Primary School. Having served in the post for long years, the petitioner is entitled to service benefits, as it was done in the case of

Tmt.S.Valsala and Tmt.S.Ambili Kumari, vide G.O.Ms.No.645, Education Science and Technology (M1) Department, dated 11.09.1996 and the petitioner's certificate shall also be evaluated and declared as equivalent to that of Teacher Training Certificate issued by the Government of Tamil Nadu. More particularly, in the light of the passing of Tamil Nadu State SSLC examination, as well as the language test conducted by the Government in the year 1972 and 1978 respectively.

10. Therefore, this Court considers it fit to give a direction to the respondents to disburse all the monetary and attendant service benefits to the petitioner, in the light of her educational qualification, obtained from the State of Kerala, within a period of twelve weeks from the date of receipt of a copy of this order.

11. The writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

TK
To

- 1.The Secretary
Government of Tamil Nadu
School Education Department
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer
Nagercoil, Kanyakumari District.
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- 5.The District Educational Officer
Nagercoil, Kanyakumari District.

+1 cc to Government Pleader Sr.No. 103140

+1cc to Mr.L.Chandrakumar , Advocate SR.No. 102442

W.P.NO.12567 OF 2005

A.SK(27/01/2020)