

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :03.04.2019
CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.Nos.23379 to 23381 of 2018

T.John Samuel
G.Rathinasamy
V.Virammalle

..Petitioner in WP.23379/18
..Petitioner in WP.23380/18
..Petitioner in WP.23381/18

vs

1. The District Education Officer,
Villupuram, Villupuram District.

2. The District Education Officer,
Tiruvannamalai,
Tiruvannamalai District-606 601.

3. The Secretary CB/ALC
Arcot Lutheran Church
No.0 ALC Campus
Cuddalore-1

4. The Correspondent
Danish Mission Hr. Sec.School
Kariyalur(via) Vadakkunanthal
Kalrayan Hills 606 207.

5. The Correspondent
Danish Mission Hr.Sec.School
Tiruvannamalai.

.. Respondent in WP.23379/18

1 The Secretary,
The Government of Tamil nadu,
Department of School
Education St. George Fort Chennai-9.

2 The Director of Elementary
Education DPI Campus College Road Chennai-6.

3 The District Education Officer
Chidambaram Cuddalore District.

4 The Correspondent
Aided Muslim Elementary School Kollumedu &
Post Kattumannarkoil Taluk Cuddalore
District.

5 Th District Educational Officer,
Kattumannakoil Cuddalore District.

... Respondents in WP.23380/2018

1 The Assistant Elementary
Education Officer Neyveli Cuddalore
District.

2 The District Elementary
Education Officer Cuddalore District
Cuddalore.

3 Aided Elementary School
Keezhakollai Neyveli (Block) Cuddalore
District. ... Respondents in WP.23381/18

WP.No.23379 to 23380/2018:

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 25.08.2016, 20/08/2016 respectively for approval of the appointment of the petitioner as a secondary grade teacher in the 3rd respondent, 2nd respondent respectively school with effect from date of initial appointment with all service and monetary benefits in light of the judgment in Writ Appeal [MD].No.231 of 2006 [The Secretary to Government of Tamil Nadu, Education Department and other Vs.S.Suganthi Victoria].

WP.NO.23381/2018:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus Directing the respondents directing to consider the representation of the petitioner dated 25.08.2015 to grant salary to the petitioner from Sep 2001 to 31.05.2003 in light of the Judgment in Writ Appeal (MD) No.231 of 2006 (The Secretary to Government of Tamil Nadu Education Department and other Vs S.Suganthi Victoria)

For Petitioner : Mr.S.Nedunchazhian
in all Wps for M/s.T.Dharani

For Respondents : Mr.A.Raja Perumal
in all Wps Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the writ petitioner dated 25.08.2016, for approval of the appointment of the writ petitioner as Secondary Grade Teacher in the third respondent school with effect from date of initial appointment, with all service and monetary benefits, in the light of the judgment in Writ Appeal [MD].No.231 of 2006 [The Secretary to Government of Tamil Nadu, Education Department and other vs. S.Suganthi Victoria].

2. The learned Additional Government Pleader appearing on behalf of the respondents states that in respect of similar matter, the Hon'ble Supreme Court of India passed the following order in Special Leave Petition(Civil) Diary No(s).1327/2019 Director of Elementary Education & others vs. S.Rajathi dated 25.01.2019.

" Delay condoned.

We do not find any good ground to interfere with the impugned order passed by the High Court.

We, however, permit the petitioners to approach the High Court by filing a review application with regard to ground in the memo of appeal that even if respondent was to be approved then she could be approved only from the date of completion of psychology training which was completed on 05.10.2016 and the payment of all benefits of service ought to have been with effect from 05.10.2016 on which date the respondent completed the training. We further grant liberty to the appellants to come again in event the order is passed against them. With the aforesaid liberty, the special leave petition is disposed of.

Pending application(s), if any, stands disposed of."

3. Pursuant to the liberty granted by the Hon'ble Supreme Court of India, the State preferred a review petition and the State review petition is pending before this Court.

4. Under these circumstances, the relief claimed by the writ petitioner cannot be straightway granted and it is left open to the writ petitioner to approach the Competent Authorities and after the disposal of the review petition by the Hon'ble Division Bench of this Court.

5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Education Officer,
Villupuram, Villupuram District.
- 2 The District Education Officer,
Tiruvannamalai,
Tiruvannamalai District-606 601.
- 3 The Assistant Elementary
Education Officer Neyveli Cuddalore
District.
- 4 The District Elementary
Education Officer Cuddalore District
Cuddalore.
- 5 The Secretary,
The Government of Tamil nadu,
Department of School
Education St. George Fort Chennai-9.
- 6 The Director of Elementary
Education DPI Campus College Road Chennai-6.
- 7 The District Education Officer
Chidambaram Cuddalore District.
- 8 The District Educational Officer,
Kattumannakoil Cuddalore District.

+2cc to M/s.T.Dharani, Advocate sr.32280, 32281
+1cc to Government Pleader sr.33399
+1cc to M/s.T.Dharani, Advocate sr.32279(12/06/2019)

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nr 09/05/2019