

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.A.No.3369 of 2019
and CMP.No.21626 of 2019

- 1.The State of Tamil Nadu
rep.by its Secretary
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Joint Director (Personnel)
Directorate of School Education,
College Road, Chennai-600 006.
- 4.The Teachers Recruitment Board,
rep.by its Member Secretary,
College Road near Sankara Nethralaya,
Nungambakkam, Chennai 600 006.
- 5.The Chief Educational Officer,
District collectorate Campus,
Salem 636 007.
- 6.The District Educational Officer,
District Library Campus, Salem 636 007.
- 7.The Headmaster,
Government Boys Higher Secondary School,
Attaiyampatti,
Salem 636 501.

A.Meenakshi

Vs.

Appellants

Respondent

Prayer in Writ Appeal: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.03.2019 passed in WP.No.7457 of 2017.

Prayer in Writ Petition:Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned orders issued by the 6th respondent DEO in O.Mu.No.4725/A3/216 dtd 26.10.2016 (as signed) and 3rd respondent joined Director of School Education (Personnel) in Na.Ka.No.80782/C3/E2/16 dated 09.02.2017, quash the same.

For Appellant : Mr.Karthikeyan
Government Advocate (Education)

JUDGEMENT

(Judgement of the Court was delivered by M.SATHYANARAYANAN, J.)

The official respondents in W.P.No.7457 of 2017 are the appellants and aggrieved by the impugned order dated 12.03.2019 in the said writ petition, in and by which, the writ petition came to be allowed, had filed this Writ Appeal.

2. Facts leading to the filing of the Writ Appeal has been narrated in detail and in extenso by the learned Judge in the impugned order and it is unnecessary to restate the facts once again.

3. The respondent / writ petitioner has passed SSLC in a School in the State of Karnataka and she has secured 33 marks in Science and subsequently joined Pre University Course in the very same State and after completing PSC, he studied Undergraduate and Postgraduate course in Tamil Nadu and subsequently got appointment to the post of Junior Graduate Teacher (Junior Graduate Assistant) in the Department of School Education. She had also cleared the examination conducted by the Tamil Nadu Recruitment Board and secured 76 marks out of 150 marks and she was also issued with an order of appointment on 22.02.2006.

4. The respondent / writ petitioner admittedly had served in the said post for more than 10 years and all of a sudden, the impugned order of termination came to be issued. The learned Judge, on going through the materials and taking into consideration the judgment of the Division Bench of this Court dated 21.11.2014 in W.A.No.1292 of 2012 (S.JOHN RICHARD VIJAYAN Vs. THE DIRECTOR OF SCHOOL EDUCATION , COLLEGE ROAD, CHENNAI-600 006.), found that securing 30 marks in English in the SSLC has no bearing as the said person became eligible to be admitted to PUC course and as such it cannot be put against him. Admittedly in the present case on hand, though the respondent / writ petitioner has cleared SSLC and PUC in the State of

Karnataka, got her undergraduate and postgraduate degrees in this State and got appointment after undergoing selection process and after 10 years of service, the impugned order of termination came to be passed.

5. It is fairly brought to the knowledge of this court by the learned counsel appearing for the appellant that the judgment dated W.A.No.1292 of 2014, which is relied on by the learned Single Judge in the impugned order was put to challenge by way of Special Leave Petition in SLP (C) Diary No.6200/2018 along with petition for delay and the Hon'ble Supreme Court of India after condoning the delay has dismissed the Special Leave Petition, leaving the question of law open and the learned Special Government Pleader appearing for the appellant is unable to state, what is the question of law left to be open. The fact remains that the order which has been placed reliance on by the learned Single Judge has been confirmed by an order of dismissal passed by the Hon'ble Supreme Court of India in SLP.(C) Diary No.6200/2018.

6. This Court on an independent application of mind to the entire materials is of the considered view that there is no error apparent on the face of the record in the reasons assigned by the learned Single Judge and finds no merit in the Writ Appeal and therefore, the Writ Appeal is dismissed, confirming the order dated 12.03.2019 made in W.P.NO.7457 of 2017. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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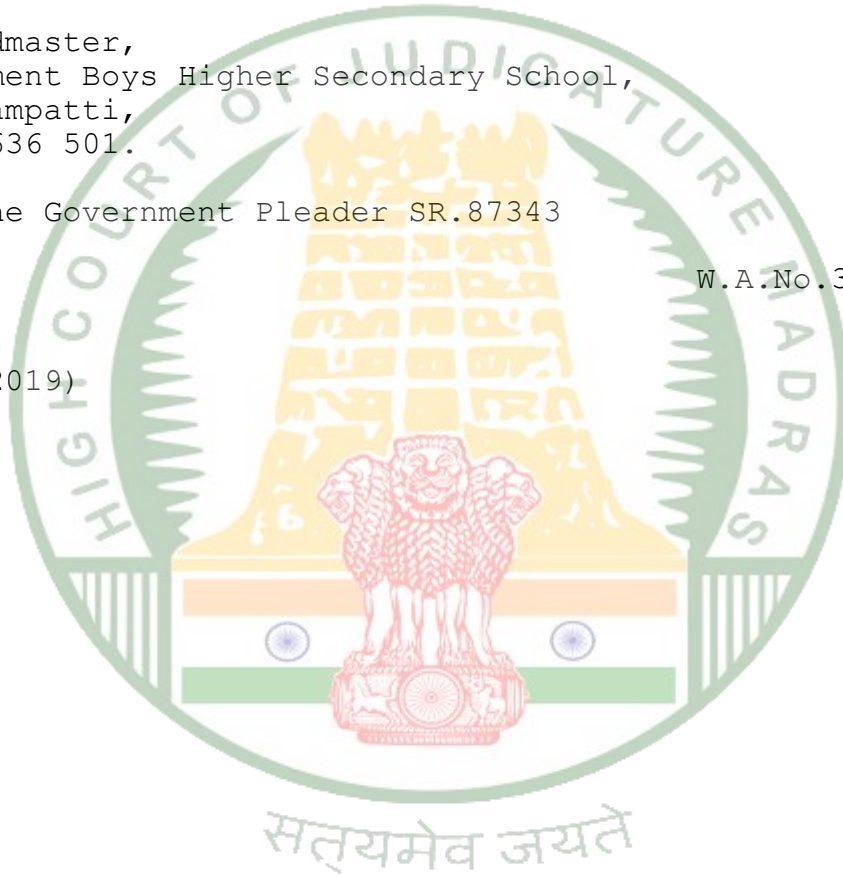
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+1cc to the Government Pleader SR.87343

W.A.No.3369 of 2019

RR(CO)
CB(13/12/2019)



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