

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM :

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.4735 of 2017

and

W.M.P. Nos.4962 & 4963 of 2017

S.Jayarani

... Petitioner

Vs.

1.The Director,
Directorate of School Education Department,
DPI Complex,
College Road,
Chennai - 600 006.

2.The District Educational Officer,
Office of the District Education Officer,
Thirupatthur - 635 601
Vellore District.

3.The Regional Joint Director,
Government Examination Board,
Kalpudur, Katpadi,
Vellore District.

4.Dominic Savio Higher Secondary School,
represented by the Headmaster/Correspondent,
Tirupattur - 635 601,
Vellore District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent having Ref. No.Na.Ka.No.10820/T1/E1/2016, dated 18.10.2016 rejecting the representation of the petitioner dated 14.09.2015 asking for salary for the period from 01.01.2013 to 01.01.2016 and quash the same and consequently

directing the 1st respondent to sanction the salary of the petitioner in the post of BT Assistant in the History subject in the 4th respondent school for the period from 01.01.2013 onwards.

For Petitioner : Ms.C.Uma

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner prays for a writ of certiorarified mandamus quashing order passed by the 1st respondent dated 18.10.2016 and directing the 1st respondent to sanction salary of the petitioner in the post of B.T. Assistant (History) in the 4th respondent school for the period from 01.01.2013 onwards.

2.Heard Ms.C.Uma, learned counsel for the petitioner and Mr.P.Raja, learned Government Advocate, appearing for the respondents.

3.Both learned counsel agree that the lis under decision has been considered earlier by this Court and the most recent order has been passed in the case of A.Meenakshi v. The State of Tamil Nadu and others [W.P.No.7457 of 2017]. The petitioner in the present case has obtained 30% marks each in English and Science in SSLC examination written in Karnataka. The Government invokes G.O.Ms.No.38, Personnel and Administrative Reforms (Personnel-R) Department, dated 19.01.1987, to deny her the appointment sought for as B.T. Assistant (History) on the ground that the petitioner should have obtained 35% marks in each of the five subjects to be considered to have passed a course equivalent to SSLC examination in Tamil Nadu.

4.Both learned counsel concur on the position that this issue is covered by a decision of a Division Bench of this Court in the case of S.John Richard Vijayan v. The Director of School Education, Chennai [W.A.No.1292 of 2012] dated 21.11.2014 to the effect that the lesser marks obtained in English in SSLC examination would have no bearing seeing as pursuant to the SSLC course, the candidate has been admitted in subsequent courses as well. Even in the present case, the petitioner has, pursuant to completion of SSLC, completed her under-graduation and B.Ed. (History) from Annamalai University in the year 1996.

5.The aforesaid order of the Division Bench has been confirmed by the Supreme Court in Special Leave Petition filed by the Director of School Education in The Director of School Education, Chennai v. S.John Richard Vijayan [SLP Civil Diary No (s).6200 of 2018] on 19.03.2018.

6.In the light of the above discussion, this writ petition is allowed. Let necessary orders be passed confirming the petitioner's appointment as B.T. Assistant (History) with consequential benefits being paid within a period of four weeks from date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1.The Director,
Directorate of School Education Department,
DPI Complex,
College Road,
Chennai - 600 006.

2.The District Educational Officer,
Office of the District Education Officer,
Thirupatthur - 635 601
Vellore District.

3.The Regional Joint Director,
Government Examination Board,
Kalpudur, Katpadi,
Vellore District.

- 1 cc to Mrs.C.Uma, Advocate Sr.No.36956
- 1 The Government Pleader, Sr.No. 38152

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RRI 08/06/2019