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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

**WP (MD) No.3601 of 2019**

**and**

**WMP (MD) Nos.2820 and 2821 of 2019**

I.Jesu Praba

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by its Secretary  
Department of School Education Department,  
Fort Saint George,  
Chennai -600 009.

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

3.The Chief Educational Officer,  
Tuticorin, Tuticorin District.

4.The District Educational Officer,  
Tuticorin, Tuticorin District.

5.The Correspondent,  
St.Joseph's Girls Higher Secondary School,  
Sathankulam - 628 704,  
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the record relating to the impugned proceedings issued by the 3<sup>rd</sup> respondent Chief Educational Officer in Moo. Moo. No.5278/A3/2017 dated 22.12.2017 and the consequential proceedings of the 4<sup>th</sup> respondent District Educational Officer in Pa.Mu.No.5553/A4/2018 dated --.01.2018, quash the same insofar as they approve the petitioner's appointment only w.e.f., 17.11.2017, and further direct the respondents 3 and 4 to approve forthwith the petitioner's appointment w.e.f 09.06.2014 and to disburse the grant-in-aid towards her salary and other attendant benefits.

For Petitioner

: Ms.A.Amala

For Respondent

: Mrs.S.Srimathy,

Nos. 1 to 4

Special Government Pleader

**ORDER**

This writ petition is filed seeking to quash the proceedings of the 3<sup>rd</sup> respondent in Moo. No.5278/A3/2017 dated 22.12.2017 and the consequential undated proceedings of the 4<sup>th</sup> respondent in Pa.Mu.No.5553/A4/2018, and to direct the respondent Nos. 3 and 4 to approve the petitioner's appointment with effect from 09.06.2014 and to disburse the grant-in-aid towards her salary and other attendant benefits.

2.The learned Counsel for the petitioner submitted that the issue involved in this writ petition has already been settled by the decision of a Division Bench of this Court, in WA(MD)Nos.828 of 2014 and 129 to 132 of 2015, on 22.04.2016.

3.The learned Special Government Pleader took a stand that the claim of conversion by the 5<sup>th</sup> respondent School has not been considered so far, in that event, there cannot be any order granting approval right from the date of appointment.

4.The learned Counsel for the petitioner, in reply, has submitted that the very same issue has been considered by this Court, in the case of, **C.Wilson Sundar Raj Vs. The Director of School Education, Chennai** and others, reported in (2012) 3 MLJ 678 and the relevant portion of the same reads as follows;-

*"4.It is stated by the petitioner that when his appointment was made on 19.01.1999, the conversion of the said post was granted by the 1<sup>st</sup> respondent should be effective only from the date of appointment of the petitioner and consequently, the petitioner ought to have paid salary from 19.01.1999 onwards instead of 19.03.2002. Therefore, he has challenged the impugned orders with a prayer as stated supra."*

5.The above submission has not been seriously objected to by the learned Special Government Pleader appearing for the official respondents.

6.This Court is of the considered view that the judgment cited supra, squarely covers the issue involved in the present writ petition and the writ petitioner necessarily has to succeed.

7.In view of the foregoing discussion, the respondent Nos.3 and 4 are directed to approve the petitioner's appointment with effect from 09.06.2014 and disburse the grant-in-aid towards her salary and other attendant benefits, within a period of six weeks from the date of receipt of a copy of this order.

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

8.Accordingly, the writ petition is disposed of. No costs.



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Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,  
Department of School Education Department,  
Fort Saint George,  
Chennai -600 009.

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

3.The Chief Educational Officer,  
Tuticorin, Tuticorin District.

4.The District Educational Officer,  
Tuticorin, Tuticorin District.

+1cc to Mr.A.AMALA, Advocate, SR.No.52059

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06.03.2019

DSK

KK/SAR/16.04.2019/ 3P- 6C