

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 03.07.2019****CORAM:****THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM****W.P. (MD) .No.7393 of 2015**

WEB COPY

T.Antony Leema Rose

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Chennai-600 006.
- 3.The District Elementary Educational Officer,
Tuticorin, Tuticorin District.
- 4.The Additional Assistant Elementary
Educational Officer, Santhankulam,
Tuticorin District.
- 5.The Correspondent,
St.Anne's Primary School,
Thattarmadam,
Sattankulam Taluk,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent District Elementary Educational Officer in O.Mu.No.309/A2/2015 dated 11.03.2015 quash the same and further direct the 3rd respondent herein to approve the petitioner's appointment as Secondary Grade Teacher in the 5th respondent School w.e.f., 01.06.1994 instead of 01.06.1995 with arrears of salary and other attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

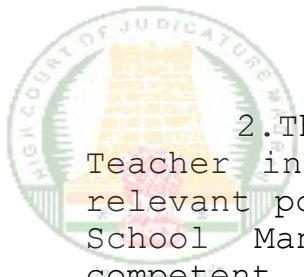
For R1 to R4 : Mrs.S.Srimathi

Special Government Pleader

For R5 : No appearance

ORDER

The order of rejection, - dated 11.03.2015 rejecting the claim of the writ petitioner for retrospective approval of appointment, after a lapse of 20 years is under challenge in the present wit petition.



2.The writ petitioner was appointed as Secondary Grade Teacher in the fifth respondent School on 01.06.1994. During the relevant point of time, when the writ petitioner was appointed, the School Management did not obtain proper permission from the competent Educational Authorities. This apart, there was a ban during the relevant point of time and subsequently, the proposal was submitted by the School Management and the competent Educational Authorities approved the appointment of the writ petitioner with effect from 01.06.1995. When the appointment of the writ petitioner was approved with effect from 01.06.1995 and the writ petitioner was serving for many years, the application seeking retrospective approval of appointment was sought for belatedly after a lapse of 20 years. Thus, the District Educational Officer rejected the application on the ground that the application itself is belated.

3.This Court is of the considered opinion that the writ petitioner had accepted the approval of appointment granted by the competent authorities with effect from 01.06.1995 and once the approval of appointment was accepted by the Teachers and after a lapse of 20 years, they cannot reopen the settled date of approval of appointment and under these circumstances, retrospective appointment of approval after a lapse of 25 years cannot be granted. This apart, the writ petitioner has not initiated any steps during the relevant point of time to pursue the remedy. The employee, whose slept over her right cannot wake-up one fine morning and knocked the doors of the Court for the purpose of redressing the grievances. Such lapse claims cannot be reopened. Ignorance cannot be applied as far as these Government employees are concerned.

4.Under these circumstances, the claim set out by the writ petitioner for the grant of approval of appointment with effect from 01.06.1994, after a lapse of 25 years as of now cannot be considered by this Court. Accordingly, the order impugned passed is in consonance with the settled legal principles and there is no infirmity as such.

5.In view of the above, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)



To

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

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

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

4.The Additional Assistant Elementary
Educational Officer, Santhankulam,
Tuticorin District.

+1 CC to Mr.A.AJITH GEETHAN, Advocate SR-72970.

+1 CC to SPL GP SR-73397.

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03.07.2019

CS/ /SAR/18.07.2019/ 3P/ 7C