



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.18690 of 2018 and

W.M.P. (MD) No.16536 of 2018

V.Vijayalakshmi

... Petitioner

Vs.

1. The Director of Elementary Education,
Office of the Director of School Education,
College Road, Chennai - 9.
2. The District Elementary Educational Officer,
Tuticorin District, Tuticorin.
3. The District Education Officer (Elementary),
District Education Office,
V.O.C. School Campus,
Kovilpatti - 628 501,
Thoothukudi District.
4. The Secretary,
S.Thayammal Memorial Elementary School,
V.Kumarettiyapuram,
Kovilpatti Taluk, Tuticorin District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release salary from 09.04.2012 onwards to the petitioner on considering the petitioner's representation dated 16.07.2018.

For Petitioner : Mr.S.Ramasamy
For R-1 to R-3 : Mrs.S.Srimathy,
Special Government Pleader.
For R-4 : Mr.M.Suresh Kumar
* * *

O R D E R

Heard the learned counsel on either side.

2. The Writ petitioner was appointed as Secondary Grade teacher in the fourth respondent school on 09.04.2012. The petitioner was appointed only in the sanctioned vacancy. The petitioner is having the eligibility qualifications also. But in



view of the non-possession of Teachers Eligibility Test certificate, the petitioner's appointment could not be approved. The Government has given relaxation up to March 2019 for clearing T.E.T. For the last few years, T.E.T. has not been conducted. This year, it is likely to be held within a period of next few months. Since the Government itself has granted relaxation up to March 2019 and the petitioner has been working in the fourth respondent school, respondents 1 to 3 are directed to release the petitioner's salary within a period of four weeks from the date of receipt of a copy of this order.

3. The petitioner will have to qualify herself in the T.E.T. examination to be held this year. If the petitioner fails to qualify in the forthcoming T.E.T, the direction now given to continue to pay the petitioner's salary would cease to operate. The Writ petition stands allowed with the following directions:-

"(i) Respondents 1 to 3 will release the petitioner's past arrears.

(ii) Respondents will continue to pay the petitioner's salary till the results of forthcoming T.E.T. are announced.

(iii) If the petitioner qualifies in T.E.T., her appointment will be approved.

(iv) If the petitioner fails to clear the T.E.T., the direction to continue to pay the salary will cease to operate.

No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

pmu
To

1. The Director of Elementary Education,
Office of the Director of School Education,
College Road, Chennai - 9.
2. The District Elementary Educational Officer,
Tuticorin District, Tuticorin.



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3. The District Education Officer (Elementary),
District Education Office,
V.O.C. School Campus,
Kovilpatti - 628 501,
Thoothukudi District.

+1CC TO MR.S.RAMASAMY, Advocate Sr. No.64179
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.6538

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DB(CO)
TR (19.06.2019) 3P 6C