



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P (MD) .No. 16648 of 2019
and W.M.P. (MD) No.13279 of 2019

S. Ramalakshmi : Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort Saint George,
Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
3. The Chief Educational Officer,
Tuticorin District, Tuticorin.
4. The District Educational Officer,
O/o. the District Educational Officer,
Tuticorin District.
5. The Secretary,
A.P.C. Veerabahu High School,
Pudhupatti - 628 851,
Srivaikundam Taluk,
Tuticorin District.

: Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus for a direction, forbearing the respondents from terminating or stopping the monthly salary of the petitioner who is working in the post of B.T. Assistant in English at fifth respondent school, in the light of the Judgment of the Division Bench of this Court in W.A.No.1723 of 2019 and batch, dated 16.05.2019.

For Petitioner : Mr.T. Lajapathi Roy

For Respondents : Mrs.S. Srimathy,
Special Government Pleader

**ORDER**

This Writ Petition has been filed seeking direction, forbearing the respondents from terminating or stopping the monthly salary of the petitioner who is working in the post of B.T. Assistant in English at fifth respondent school, in the light of the Judgment of the Division Bench of this Court in W.A.No.1723 of 2019 and batch, dated 16.05.2019.

2. The grievance of the petitioner is that she was appointed as B.T. Assistant in English at A.P.C.Veerabahu High School and her appointment was not approved for want of pass in TET Examination and subsequently, pursuant to the order passed by this Court in W.P.(MD) No.907 of 2016, the petitioner's appointment was approved by the concerned authorities. At present, the petitioner is working as a Teacher in the aforesaid school and the second respondent has stopped the salary to the petitioner, without any notice and hence, she has made a representation to the fourth respondent, dated 20.06.2019, but, no order has been passed. Hence, the instant writ petition is filed.

3. The learned counsel appearing for the petitioner relied on the order of this Court, dated 30.04.2019 passed in W.P.(MD) No.13306 of 2019, wherein it has been held as follows:

"29. This being the principles to be followed, the following directions are issued:-"

(1). The relief as such sought for in all the writ petitions stand rejected.

(2). The respondents are directed to pay the salary to all the Teachers, for the period, they have already worked, within a period of two (2) weeks from the date of receipt of copy of this order.

(3). The respondents are directed to implement the minimum educational qualifications prescribed by the National Council for Teachers Education without any violation and at the time of recruiting Teachers for appointment.

(4). The respondents are directed to issue show cause notice to all the unqualified Teachers, setting out the reasons including the failure on the part of the Teachers to pass the Teachers Eligibility Test (TET) within a period of two (2) weeks from the date of receipt of a copy of this order, granting 10 days for the Teachers to submit their respective explanations and on receipt of the explanations, if any from the Teachers, Speaking orders are directed to be issued by the competent authority strictly in accordance with



the provisions of the Statutes, Service Rules, Regulations and Government orders as applicable".

In the light of the above said order, the service of the unqualified teachers shall not be stopped or terminated without any notice to the teachers. Challenging the above said order, some of the teachers have filed an appeal in W.A.(MD) No.1723 of 2019, the batch and the same is pending before this Court.

4. The learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation will be considered on merits, within a specified time that may be fixed by this Court.

5. Having regard to the limited scope of the prayer, this Court without expressing any opinion on the merits of the petitioner's case, direct the fourth respondent to consider the petitioner's representation, dated 20.06.2019 on merits and in accordance with law, within a period of Two (2) weeks from the date of receipt of copy of this order.

6. With the above observations, the instant writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary,
State of Tamilnadu,
Department of School Education,
Fort Saint George,
Chennai - 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
3. The Chief Educational Officer,
Tuticorin District,
Tuticorin.



4. The District Educational Officer,
O/o. the District Educational Officer,
Tuticorin District.

5. The Secretary,
A.P.C. Veerabahu High School,
Pudhupatti - 628 851,
Srivaikundam Taluk,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-78182[F] dated 29/07/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-78677[F] dated
30/07/2019)

WP(MD) .No. 16648 of 2019

26.07.2019

ksa

JMN(19.08.2019) 4P : 8C