



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD) No.16386 of 2014

and

M.P. (MD) No.1 of 2014

S.Saravanan

... Petitioner

vs.

1.The Government of Tamil Nadu
rep.by its Secretary
Department of Education
Fort St.George
Chennai-600 009

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

3.The District Elementary Educational Officer
Madurai

4.The Assistant Elementary Educational Officer
Madurai North
Madurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records relating to the impugned order passed by the 3rd respondent in Na.Ka.No.2073/A5/2014 dated 09.06.2014 and quash the same and consequently direct the 3rd respondent to grant selection grade of pay scale to the petitioner with effect from 13.04.1998 and to disburse the petitioner's pending salary from 01.11.2002 to 01.06.2003.

For Petitioner : Mr.R.Satish

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The order, dated 09.06.2014, passed by the third respondent is sought to be quashed.



2. The impugned order states that the claim of salary from the date of initial appointment cannot be considered and the Teachers are eligible to get Government salary only with effect from the date of approval of appointment.

3. In the present case on hand, the writ petitioner was appointed as a Secondary Grade Teacher in Bala Middle School, Madurai, on 13.04.1998. However, the approval of appointment was granted with effect from 02.06.2003. In view of the fact that the appointment of the writ petitioner was approved with effect from 02.06.2003, the writ petitioner is entitled to get the Government salary only with effect from the date of approval and in respect of the earlier service, the School Management is liable to pay the management salary to the writ petitioner. However, in respect of the similar issue, the Honourable Division Bench of this Court has passed an order, dated 21.03.2018 in W.A.Nos.74 of of 2015 and 957 of 2016.

4. In view of the fact that salary has already been paid in favour of the writ petitioner with effect from the date of the approval of the appointment, the writ petitioner cannot claim any Government salary for the period during which he served in the School without any approval. Thus, the writ petitioner is at liberty to claim salary from the Management for the period during which he served as unapproved Teacher.

5. This being the factum, there is no infirmity in respect of the impugned order passed. Accordingly, the writ petition is disposed of with a direction that in the event of any claim by the writ petitioner, the same is to be considered by the Management of the School concerned forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To:

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

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



3.The District Elementary Educational Officer,
Madurai.

4.The Assistant Elementary Educational Officer,
Madurai North, Madurai.

+1 cc to Special Government Pleader, SR.No. 82017

W.P. (MD) No.16386 of 2014

and

M.P. (MD) No.1 of 2014

JM/28.08.2019/3P/6C