

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :03.02.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.2426 of 2020

G.Anbumani

... Petitioner

Vs.

1. The Secretary to Government,
School Education Department Secretariat,
Fort St. George, Cheenai 9.
2. The Chief Educational Office,
Cuddalore.
3. The District Education Officer,
Vadalur, Cuddalore District 607 303.
4. The Block Education Officer,
Keerapalayam, Cuddalore District 608 602.
5. The Secretary,
Thiru Nataraja Aided Elementary School,
Solatharam Post, Srimushnam Taluk,
Cuddalore District 608 701. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders second respondent in Na.Ka.No.1117/A2/2018 dated 17.10.2019 quash the same consequently direct the respondents for approval of the appointment of the petitioner as a secondary grade teacher in the fifth respondent School with effect from 13.11.1998 instead of 02.07.2010 with all service and monetary benefits.

For Petitioner : Mr.S.Neduchezhiyan
for M/s.T.Dharani

For Respondents : Mrs.V.Annalakshmi
Government Advocate for 1 to 3

O R D E R

By consent of both the parties, this Writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed challenging the order passed by the second respondent dated 17.10.2019 and for a consequential direction to the respondents to approve the appointment of the petitioner as Secondary Grade Teacher in the fifth respondent School with effect from 13.11.1998.

3. The case of the petitioner is that he was appointed in the fifth respondent Aided School as Secondary Grade Teacher on 13.11.1998 and the petitioner has been working in the said School for more than twenty years. The Government of Tamil Nadu issued order in G.O.Ms.No.155, dated 03.10.2002, whereby Graduate Teachers appointed in the Secondary Grade Post, were directed to undergo Child Psychology Training, for a period of one month and after the completion of the training, the State Government had directed to approve the appointment of such teachers.

4. The petitioner was sent for Child Psychology Training for a period of one month from 02.06.2010 to 01.07.2010. After the completion of the said training, the appointment of the petitioner had been approved by the authorities with effect from 02.07.2010. The grievance of the petitioner is that the authorities ought to have approved the appointment with effect from 13.11.1998.

5. The petitioner made a representation in this regard to the third respondent to approve his appointment with effect from 13.11.1998. The representation that was made by the petitioner was rejected by the impugned proceedings of the third respondent dated 17.10.2019. Aggrieved by the same, the present Writ Petition has been filed before this Court.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

7. The issue that has been raised in the present Writ Petition is squarely covered by the earlier judgment of this Court in WA (MD). No.231 of 2006 dated 17.08.2006 and W.A.No.956 of 2018 dated 04.07.2018. The relevant portions of the judgment in WA No.956 of 2018 are extracted hereunder:

"4. In such a backdrop, the learned Single Judge having observed in para 23 of the order as under:-

"... Though the said order was passed by the Division Bench of this Court as early as on 29.06.2001, and during that period the petitioner also had been working at the fourth respondent school and a number of persons similarly placed like that of the petitioner

had been sent for such training, the petitioner had not been sent for child psychology training for the reasons best known to the official respondents."

5. It is further observed by the learned Single Judge in para 29 of the order thus:-

"This Court finds force with the said submission made by the learned counsel for the petitioner as in this case also the petitioner had been appointed in the year 1998 since then had been continuously working in the fourth respondent school that too in a sanctioned vacancy and after great struggle the petitioner also had completed the child psychology training, hence, she would be entitled to get the approval of her appointment from the date of her original appointment i.e., from 15.4.1998."

6. For the delay on the part of the appellants in sending the first respondent herein for the child psychology training as directed in the judgment of the Division Bench, the first respondent need not be made to suffer. In such view of the matter we do not find any reason to interfere with the order passed by the learned Single Judge. The appellants are directed to comply with the order passed by the learned single Judge, by approving the appointment of the first respondent herein from 15.04.1998 will all service benefits."

8. It is also seen from the records that appointment of similarly placed persons who had approached this Court has been approved from the date of appointment.

9. In the present case, the petitioner had joined the fifth respondent School as a Secondary Grade Teacher on 13.11.1998. The delay in sending the petitioner for Child Psychology Training cannot be put against the petitioner since he was not responsible for the delay. Therefore, as held by the Division Bench, the appointment of the petitioner will have to be approved with effect from 13.11.1998 onwards.

10. The third respondent while passing the orders has held that the claim made by the petitioner was rejected only on the basis of the direction given by the Director of Elementary Education. The third respondent has not considered the effect of the earlier judgments passed by this Court and the relief that was granted to similarly placed persons. Therefore, the impugned order passed by the third respondent requires interference of this Court and accordingly, the same is quashed.

11. This Writ Petition is allowed and the respondents are directed to grant approval for the appointment of the petitioner as a Secondary Grade Teacher in the fifth respondent School, with effect from 13.11.1998, with all attendant benefits. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

jv

To

1. The Secretary to Government,
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Thiru Nataraja Aided Elementary School,
Solatharam Post, Srimushnam Taluk,
Cuddalore District 608 701.

+1cc to Mr.T.Dharani, Advocate, SR.No.8052.
+1cc to Government Pleader, SR.No.8582.

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PVS (CO)

CSR: 04.03.2020

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