

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 8397 of 2007
(O.A.No.5066 of 2002)

S.Rajamma

...Petitioner

Versus

The District Elementary Educational Officer,
Erode, Erode District.

... Respondent

PRAYER: Originally this petition has been filed as Original Application No.5066 of 2002 before the Tamilnadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and renumbered as W.P.No.8397 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Na.Ka.No.10488/A4/96 dated 12.08.2002 and quash the same and direct the respondent to reinstate the Applicant in service with all attendant benefits.

For Petitioner : No appearance
For Respondent : Mr.P.Chinnadurai
Additional Government Pleader

सत्यमेव जयते
O R D E R

This Writ Petition has been filed challenging the order passed by the respondent in Na.Ka.No.10488/A4/96 dated 12.08.2002 and seeks to quash the same and also to direct the respondent to reinstate the petitioner in service with all attendant benefits.

2. When the matter was taken up today, none appeared on behalf of of the petitioner.

3. It is averred in the petition that the petitioner was temporarily appointed as Secondary Grade Teacher (Kannada) at Panchayat Union Elementary School, Chimattahalli. While so, The

District Elementary Educational Officer, Erode (the respondent herein) issued an order in Na.Ka.No.10488/96/A3 dated 28.01.1998 directing that the petitioner's pay should be withheld till her certificates were evaluated and received. The Petitioner was paid salary till February, 1988. Challenging the said order, the petitioner filed Original Application in O.A.No.2403/98 before Tribunal and got stay order on 20.03.1998. However, the Applicant was not paid salary despite the said stay order. Therefore, he filed a Contempt Application in C.A.No.601/1998. Thereafter, the Contempt Application and the Original Application were taken up for hearing on 04.07.2002. The learned Tribunal directed the respondents to pay the arrears of salary due to the petitioner at once and report compliance within a period of one month. Subsequently, the respondent complied with the said order and paid the arrears of salary to the petitioner on 12.08.2002 and subsequently issued an impugned order in Na.Ka.No.10488/A4/96 dated 12.08.2002 by the Director of Teacher Education Research and Training, Chennai-6 stating that the petitioner's Karnataka Teacher Training Certificate cannot be treated as equal to the Tamilnadu Teacher Training Certificate and terminating her from the services.

4. Challenging the impugned order, the petitioner has filed Application before the Tamilnadu Administrative Tribunal, Chennai, in the year 2002 in O.A.No.5066 of 2002. Subsequently, due to abolition of the Administrative Tribunal, the matter has been transferred to this Court and renumbered as W.P.No.8397 of 2007.

5. The learned Additional Government Pleader appearing for the respondent would submit that the petitioner was appointed as Secondary Grade Teacher. Subsequently, her certificates were evaluated. It is found that the petitioner was not possessing prescribed qualification to occupy the post since the petitioner was possessing only Karnataka Teacher Training Certificate and it cannot be treated as equal to the Tamilnadu Teacher Training Certificate and subsequently removed from the service. Therefore, the relief sought for by the petitioner cannot be granted and the same may be dismissed.

6. Heard the learned Additional Government Pleader and perused the materials available on record.

7. Considering the facts and circumstances of the case, and also considering the submission made by the learned Additional Government Pleader and the fact that the petitioner's Karnataka Teacher Training Certificate cannot be treated as equal to the Tamilnadu Teacher Training Certificate. Therefore, under these circumstances, the impugned order passed by the respondent does not suffer from any irregularity. Hence, this court is of

the view that the impugned order is not liable to be quashed and there is no merit in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

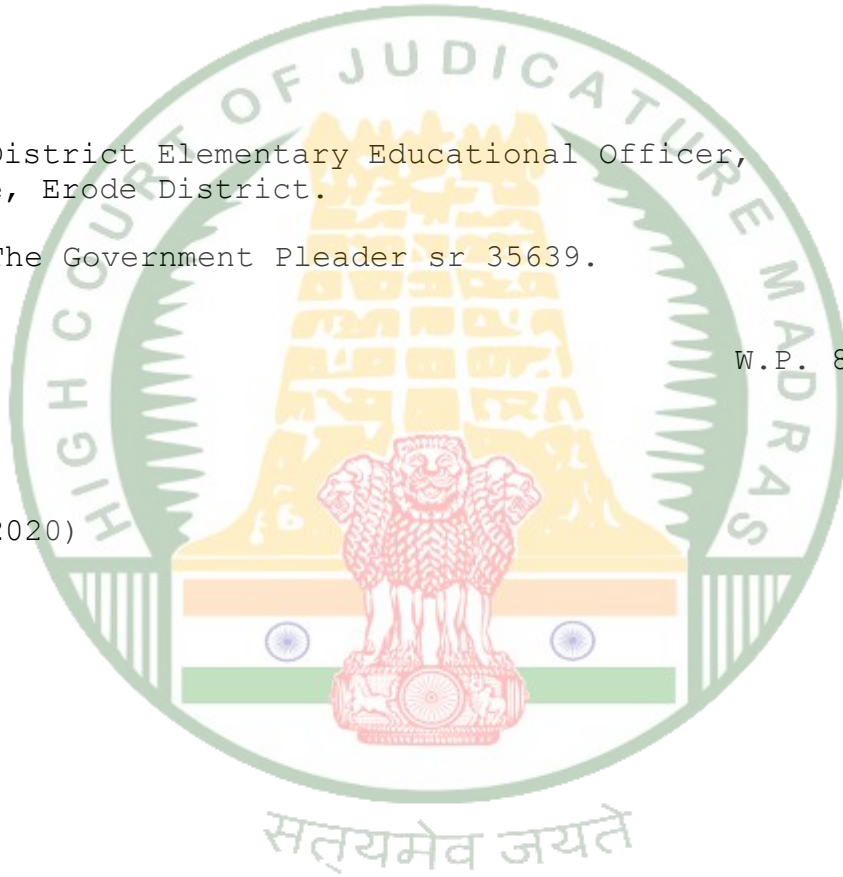
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To

The District Elementary Educational Officer,
Erode, Erode District.

+1 CC to The Government Pleader sr 35639.

W.P. 8397 of 2007

PM(CO)
SP(08/12/2020)



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