

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.Nos. 36989 of 2005 & 11077 of 2006

Association of Heads of High and
Higher Secondary Schools of Tamil Nadu,
Rep.by its General Secretary,
61, G2, Rajaram Street, Jawahar Nagar,
Thirumangalam, Madurai District,
Pin - 625 706.

...Petitioner in W.P.No.36989 of 2005

Tamilnadu Graduate Teachers' Association,
(Regd.No.17 of 1975),
Represented by its General Secretary
Mr.S.M.Thambithurai,
No.18, Padmanabhan Street,
T.Nagar, Chennai - 600 017.

...Petitioner in W.P.No.11077 of 2006

Versus

- 1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.
- 3.The State Project Director,
(S.S.A.Scheme),
DPI Campus,
Nungambakkam, Chennai - 600 006.
- 4.The Tamil Nadu Post Graduate Teachers Association
No.4, Dr.Radhakrishnan Nagar, Abdulla Street, Choolamedu,
Chennai - 94, represented by its State Legal Secretary
S.Arunagiri.
(R4 impleaded as per order dated 02.08.2006 by MTJ in WPMP
No.4731 of 2006 in W.P.No.36989 of 2005).

5.Tamil Nadu Higher Secondary Post Graduate
Teacher's Association rep by its President having its office
at No.124/35,
Bells Road, Triplicane, Madras -5.

(R5 impleaded as per order dated 27.10.2006 by PJMJ in WPMP
No.17259 of 2006 in W.P.No.36989 of 2005).

... Respondents in W.P.No.36989 of 2005

1.State of Tamilnadu represented
by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

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

3.The Tamil Nadu Post Graduate Teachers Association,
No.4, Dr.Radhakrishnan Nagar,
Abdulla Street, Choolaimedu,
Chennai - 600 094,

Rep.by its State Legal Secretary S.Arunagiri
(R3 impleaded as per order dated 25.08.2006 by CNJ
in WPMP No.17466 of 2006 in W.P.No.11077 of 2006).
... Respondents in W.P.No.11077 of 2006

PRAYER IN BOTH WPs: Writ petitions filed under Article 226 of
the Constitution of India praying for the issuance of a Writ of
Certiorari, calling for the records of the 1st respondent in his
proceedings in G.O.Ms.No.180 School Education(C2)) Department,
dated 19.09.2005 and quash the order passed therein.

For Petitioner : No appearance
For Respondents : Mr.P.Raja

Government Advocate for R1

Mr.J.Selvarajan for R2

R3 to R5 - No appearance

..in W.P.No.36989/2005

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.P.Raja

Government Advocate for R1 & R2

Mr.J.Selvarajan for R3

..in W.P.No.11077/2005

C O M M O N O R D E R

These Writ Petitions have been filed calling for the records of the 1st respondent in his proceedings in G.O.Ms.No.180 School Education Department, dated 19.09.2005 and quash the order passed therein.

2. However, the learned counsel for the petitioner would submit that after compulsory education has come into force in order to avoid the drop out of the students, the scheme has been established and the students below 14 years, have been given the right to education and therefore, teachers who are working as Secondary Grade as well as B.T.Assistant, alone, can be appointed in that post and not the Post Graduate Assistant. Since they have not undergone study in psychology subject, they cannot deal with the students below 14 years and therefore, P.G.Assistant cannot be appointed in the said post. He further stated that compulsory free education up to 14 years has to be given by the State to avoid the drop out and to promote free education. They have created post of Block Resource Teacher Educators and Resource Teacher Educator at the Block / District /State level for effective implementation of the scheme of Sarva Shiksha Abhiyan.

3. As rightly contended by the learned counsel for the petitioner, since students below 14 years covered under the scheme of right to free education, therefore, Secondary Grade Teachers and B.T.Assistants are only competent persons to deal with those students but Post Graduate Assistants are not competent persons to deal with the students below 14 years age group. Therefore, G.O.Ms.No.180 of School Education is set aside and writ petition is allowed.

4. The respondents are directed to appoint the Secondary Grade Teachers and B.T.Assistant Teachers only and not the Post Graduate Assistant.

5. With the above direction, these writ petitions are allowed. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

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

3.The State Project Director,
(S.S.A.Scheme),
DPI Campus,
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4.The Tamil Nadu Post Graduate Teachers Association
No.4, Dr.Radhakrishnan Nagar, Abdulla Street, Choolamedu,
Chennai - 94, represented by its State Legal Secretary
S.Arunagiri.

5.Tamil Nadu Higher Secondary Post Graduate
Teacher's Association rep by its President having its office
at No.124/35,Bells Road, Triplicane, Madras -5.

+1 cc to Government Pleader Sr.No. 43010

W.P.Nos. 36989 of 2005 & 11077 of 2006

A.SK(21.01.2021)

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