

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.33422 of 2013 &

W.P.Nos.17742 & 17743 of 2011

D.Ebenezer Swarnaselvi .. Petitioner in W.P.No.33422 of 2013
Y.G.Kalanayagi .. Petitioner in W.P.No.17742 of 2011
S.Padmavathy .. Petitioner in W.P.No.17743 of 2011

vs.

1. The Government of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009. 1st Respondent in all W.Ps.
2. The Joint Director of Higher Secondary,
College Road,
Chennai 600 006. 2nd Respondent in all W.Ps.
3. The Director of School Education,
College Road,
Chennai 600 006. 3rd Respondent in all W.Ps.
4. The Chairman,
Teachers Recruitment Board,
D.P.I. Compound,
College Road,
Chennai 600 006. .. 4th Respondent in W.P.No.33422 of 2013
5. The Director of Non-Formal Education,
D.P.I. Compound,
College Road,
Chennai 600 006. .. 5th Respondent in W.P.No.33422 of 2013

Writ Petitions 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 orders passed by the 3rd Respondent in reference to Na.Ka.No.82700/C2/E2/2010 dated 17.06.2011 and quash the same and further direct the Respondents to appoint the Petitioners as Secondary Grade Teachers in the time scale of pay.

For Petitioner in W.P.No.33422/2013 : Mr.B.Kumarasamy,
for Mr.S.Gunalan

For Petitioner in W.P.Nos.17742 & 17743/2011 : Mr.B.Kumarasamy,
for Mr.K.Kalyanasundaram

For Respondents 1 to 3 in all W.Ps. & 5th Respondent in W.P.No.33422/2013 : Mr.S.Suresh Kumar,
Government Advocate

For 4th Respondent in W.P.No.33422/213 : Mr.C.Munusamy,
Special Government Pleader

COMMON ORDER

As the issue involved in all these Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. Petitioners herein have come up with the above Writ Petitions challenging the order dated 17.06.2011 passed by the 3rd Respondent and for a further direction to the Respondents to appoint them as Secondary Grade Teachers in the time scale of pay.

3. According to the Petitioners, they are Post-graduates and are fully qualified for being appointed to the post of B.T. Assistant. They have duly registered their names in the Employment Exchange and by virtue of the same, they were appointed as preraks (Makkal Kalvi Thodarbalar) in the non-formal and adult Education Programme, a Scheme formulated and aided by the Government of India. As the said Scheme was abolished on 31.03.1996, Petitioners consequently lost their job. Hence, they made representations to the Government to absorb them as Secondary Grade Teachers.

4. Since there was no response to their representations, Petitioners including those who were rendered jobless on account of abolition of the said Scheme, approached the Tribunal by filing O.A.No.3815 of 1996 challenging the order of termination and for a direction to the Respondents to absorb them on regular basis. By an order dated 10.12.2001, the Tribunal dismissed the Original Application with an observation that, the claim of the Petitioners should be given priority for appointment in a post similar to the one held by them already under the old Scheme.

5. Pursuant thereto, the Government issued G.O.Ms.No.479, Education (C2) Department, dated 05.05.1989, wherein, it is stated that, the Government has decided that, the Adult Education Supervisors, Preraks and those working as

Technical Assistants, Assistant Project Officers, Field Officers and Field Propaganda Officers shall be considered for the post of School Assistant/Post Graduate Assistant by the Teachers Recruitment Board, subject to possessing the required qualification.

6. Subsequently, the Government issued G.O.Ms.No.1211, Education Department dated 07.09.1989, wherein, it has been specifically stated that, persons who were working in the Adult Education programme, shall be appointed as Secondary Grade Teachers. Thereafter, a few similarly placed persons who were not even holding a Diploma in Teacher Education and were possessing only B.A. B.Ed. qualification, were appointed as Secondary Grade Teachers, after necessary relaxation.

7. Hence, Petitioners herein along with others filed W.P.No.17925 of 2010 seeking a direction to appoint them as BT Assistant or Post-Graduate Assistant. The said Writ Petition was disposed of on 07.03.2011 with a direction to Respondents 1 and 2 to consider the case of the Petitioners on the basis of G.O.Ms.No.1211, Education Department, dated 07.09.1989 along with the order passed by this Court in W.P.No.21090 of 2008, dated 20.04.2009. Though, no order was passed by Respondents 1 and 2 herein, the 3rd Respondent passed an order on 17.06.2011, rejecting the request of the Petitioners. Hence, challenging the same, Petitioners have come up with the above Writ Petitions.

8. Heard the learned counsel on either side and perused the material documents available on record.

9. In the counter filed by the 3rd Respondent/Director of School Education, Chennai, it is stated that, G.O.Ms.No.479, Education (2) dated 05.05.1989 would squarely be applicable only to those persons who were in position before the issuance of the said Government Order. According to the 3rd Respondent, as the Petitioners herein were inducted into the Scheme as 'preraks' only, they cannot be granted any relief based on the said Government Order.

10. It is further stated in the counter that, as per G.O.Ms.No.1211 (SE) Department, dated 07.09.1989, persons holding the posts of preraks and Adult Education Supervisors sponsored by the Director of Non-Formal Education, who have expressed their willingness in writing to serve as Secondary Grade Assistants and acquired requisite educational qualification prescribed for the said post and sponsored by the Employment Exchange alone, were considered for the post of Secondary Grade Assistant. According to the 3rd Respondent, Petitioners herein were neither sponsored by the Employment Exchange nor do possess the prescribed qualification for the post of Secondary Grade Assistant.

11. It is seen that, the claim of the Petitioners was rejected, as they were neither sponsored by the Employment Exchange nor have obtained the prescribed qualification for the post of Secondary Grade Assistant. Hence, this Court does not find any valid reason to interfere with the orders impugned in these Writ Petitions.

Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected M.P.Nos.1 and 1 of 2013 in W.P.Nos.17742 and 17743 of 2011 are closed.

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Assistant Registrar (CS)

//True copy//

Sub Assistant Registrar

To:

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai 600 009.
2. The Joint Director of Higher Secondary,
College Road, Chennai 600 006.
3. The Director of School Education,
College Road, Chennai 600 006.
4. The Chairman,
Teachers Recruitment Board,
D.P.I. Compound, College Road,
Chennai 600 006.
5. The Director of Non-Formal Education,
D.P.I. Compound, College Road,
Chennai 600 006.

C.C. to M/S.S.GUNALAN, Advocate SR.NO. 35494

c.c. To The Government Pleader, SR.NO. 35634

W.P.Nos.33422 of 2013 &
W.P.Nos.17742 & 17743 of 2011

AD(CO)

RRI 21/12/2020