



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.2480 of 2013

S.Lakshmanan

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

3.The District Educational Officer,
Virudhunagar,
Virudhunagar District.

4.The Secretary,
South Street Hindu Nadar
Higher Secondary School,
Muhavur-626 111
Virudhunagar District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent District Educational Officer, to grant approval forthwith to the petitioner's appointment as BT Assistant (Mathematics) in the 4th respondent School from the date of his appointment ie., 23.10.2007 and disburse the salary and allowances admissible to the said post with all attendant benefits in pursuance of the proposal to that effect submitted by the 4th respondent School.

For Petitioner : Mr.P.Muthuvel for Mr.S.Xavier Rajini
For Respondents : Mrs.S.Srimathy
1 to 3 : Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the third respondent/District Educational Officer, to grant forthwith to the petitioner's appointment as BT Assistant (Mathematics) in the fourth respondent School from the date of his appointment ie., 23.10.2007 and disburse the salary and allowances admissible to the said post with all attendant benefits, in pursuance of the proposal to that effect submitted by the fourth respondent School.



2.The petitioner states that he is fully qualified for the appointment of B.T Assistant (Mathematics). His appointment was made against the sanctioned post and there was no irregularity. Thus, the approval is to be granted from the date of his appointment.

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3.Pursuant to the direction of this Court, the Director of School Education, filed a report stating that the petitioner was appointed on 01.06.1988 as Secondary Grade Teacher with B.Sc., B.Ed., qualification. The appointment was made in between the period of 11.07.1995 to 19.05.1998 are approved by the department on the completion of short time One Month Child Psychology Training conducted by the Director of State Council of Education Research and Training. The petitioner was appointed as Secondary Grade Teacher on 01.06.1988 against the norms issued in G.O.Ms.No.155 SE(D2) Department, dated 03.10.2002.

4.It is not made clear whether G.O.Ms.No.155 issued on 03.10.2002 will have a retrospective effect or not, so as to the appointment of the petitioner which was made on 01.06.1988 and this aspect is not clarified in the report. However, it is stated that the appointment of the writ petitioner as Secondary Grade Teacher on 01.06.1988 is not proper and he was not holding the post of Secondary Grade Teacher Training Certificate. In this aspect, the respondents 1 to 3 are bound to consider the case of the writ petitioner, in the light of the Government Order issued as well as the rules in force in the matter of appointment.

5.Accordingly, the respondents 1 to 3 are directed to consider the case of the writ petitioner, in the light of the Government Order passed and accordingly take a decision and pass orders on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Director of School Education,
College Road,

<https://hcservices.ecourts.gov.in/hcservices> 06.



2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.

3.The District Educational Officer,
Virudhunagar,
Virudhunagar District.

+1 CC to SGP (SR-24924[F] dated 10/12/2020)

+1 CC to Mr.Xavier Rajini, Advocate (SR-24983[F] dated 10/12/2020)

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09.12.2020

MJ (CO)

NR (21/12/2020) 3P : 6C