



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 25.08.2020
DELIVERED ON : 27.08.2020

WEB COPY

CORAM:
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN
WP(MD).No.20767 of 2014

S. Karthigairani ... Petitioner
Vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
School Education Department,
St. George Fort, Chennai -9.

2.The Director of Elementary Education,
College Road, Chennai -6.

3.The District Elementary Educational Officer,
Ramanathapuram, Ramanathapuram District.

4.The Assistant Elementary Educational Officer,
Paramakudi, Ramanathapuram District.

5.S.V.V. Sala Primary School,
rep. by its Correspondent,
Nattarasan Kottai,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the impugned proceedings of the second respondent in his proceedings in Na.Ka.No.07476/H2/14, dated 20.08.2014 and quash the same and consequently, direct the respondents regularize the service of the petitioner from the date of appointment i.e., on 21.03.1998 instead of 02.06.2003 the date of completion of child psychology training and grant all consequential benefits.

For petitioner : Mr. V.R. Shanmuganathan
for A.L. Kannan
For R1 to R4 : Mr. N. Shanmugaselvam
Additional Government Pleader
For R5 : No appearance

ORDER

This Writ Petition has been filed to quash the impugned proceedings of the second respondent dated 20.08.2014 in Na.Ka.No.07476/H2/14 and consequently, direct the respondents regularize the service of the petitioner from the date of



appointment i.e., on 21.03.1998 instead of 02.06.2003 the date of completion of child psychology training and grant all consequential benefits.

2. The petitioner was originally appointed as Secondary Grade Teacher in the 5th respondent school on 21.03.1998 and thereafter, she was deployed to Sree Ramalinga Vilas Primary School on 01.11.2002. Now, she is rendering service as Headmistress. Initially, she was appointed as Secondary Grade Teacher without child psychology training on 21.03.1998 and hence, in view of Judgment reported in **2002 Writ LR 173 (Secretary and Correspondent Uswathun Hasana Oriental (Arabic) Girls Higher Secondary School Vs. The State of Tamil Nadu, rep. by its Secretary)**, she was permitted to complete the child psychology training and subsequently, she has completed the child psychology training on 02.03.2006.

3. The grievance of the petitioner is that she was originally appointed as Secondary Grade Teacher without child psychology training on 21.03.1998. But, in view of aforementioned reported Judgment and as per G.O.Ms.No.155, dated 03.10.2002 she was permitted to complete her child psychology training and accordingly, she has completed the child psychology training on 02.06.2003. The second respondent herein vide Na.Ka.No.07476 / H2/14, dated 20.08.2014 accorded approval / regularization from the date of completion of child psychology training viz., 02.06.2003. In such circumstances, she has filed the present Writ Petition seeking approval and regularization of service from the date of her original appointment on 21.03.1998. As per G.O.Ms.No.155, the Government has turned down the request of payment of salary from the date of appointment viz., 21.03.1998 instead of 02.06.2003.

4. On the basis of the above said G.O.Ms.No.559, dated 11.07.1995 and as a Subject matter of Writ Petitions reported in 2002 Writ LR 173, the Division Bench of this Court has held that the appointments upto the date of dismissal of Writ Petitions can be saved and modalities as how the said appointment can be approved by giving necessary training, among other things, shall be decided by the Government.

5. All the connected G.O.Ms.No.559, dated 11.07.1995 G.O.Ms.No.34, dated 07.03.2003 and G.O.Ms.No.155, dated 03.10.2002 were taken into consideration in the Division Bench Judgment of this Court. The similar set of Writ Petitions have been filed in the batch of Writ Petitions in W.P.(MD).Nos.19571 to 19573 of 2013 by a common order dated 06.01.2014 all the Writ Petitions were allowed by this Court and the respondents are directed to grant Selection Grade scale of pay to the petitioners from the date of initial appointment and not from the date of qualifying child psychology training.

6. On an appeal by the Government in the batch of W.A.Nos.1085 of 2014 etc, batch, this Court by a Judgment dated 12.07.2017 has confirmed the order passed by the learned Single Judge. The relevant portion reads as follows:



"When the appointment of the Writ petitioners were approved, the confirmation of Selection Grade will have to be given on completion of 10 years therefrom. Merely, because the child psychology training course was undergone by them later, the completion of 10 years of service cannot be correspondingly deferred. This has been the consistent view taken by this Court on the earlier occasions."

The learned counsel appearing for the petitioner relied upon the above said decision.

7. Mr.N.Shanmugaselvan, the learned Additional Government Pleader appearing for the respondents has relied upon the G.O.Ms.No. 155, dated 03.10.2002 resisted the prayer sought for by the petitioner. The similar contention has been raised before the learned Single Judge of this Court in the earlier petitions and the same is also negatived. The petitioner herein was appointed on 21.03.1998 and her approval was also approved by the competent authority on 20.05.1998 with effect from 21.03.1998. As per the cut off date mentioned in the Writ Appeal and in view of the date of appointment of the petitioner being 21.03.1998, the contention of the learned Additional Government Pleader based upon the various GOs discussed Supra is not applicable to the facts of the present case and accordingly, the said contention stands negatived. In fact, on similar case the District Educational Officer, Thenkasi has also given an implementation of such order by his proceeding, dated 07.01.2019 and hence, I do not find any merit in the contention of the learned Additional Government Pleader appearing for the respondents.

8. In view of the ratio laid down by the Hon'ble Division Bench of this Court, cited supra, I find that the petitioner, who was appointed as Secondary Grade Teacher on 21.03.1998, is entitled to get a Selection Grade Scale of pay after 10 years from the date of his appointment i.e., from 21.03.1998, instead 02.06.2003, the date of completion of child psychology training. The official respondents are directed to implement the said order within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition is allowed. No costs.

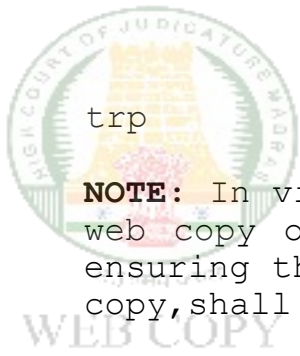
Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



trp

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
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Chennai -9.
- 2.The Director of Elementary Education,
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- 3.The District Elementary Educational Officer,
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- 4.The Assistant Elementary Educational Officer,
Paramakudi, Ramanathapuram District.

PRE-DELIVERY ORDER MADE IN
WP(MD).No.20767 of 2014
27.08.2020

SPU (07.09.2020) 4P 5C