



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD)No .19753 of 2015
and W.P. (MD)No.14405 of 2013
and M.P. (MD)No.1 of 2013

K.Elizabeth Mariammal .. Petitioner in W.P. (MD)No.19753/2015

T.Kalaiarasan .. Petitioner in W.P. (MD)No.14405/2013

Vs.

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

2.The District Elementary Educational Officer
Tirunelveli, Tirunelveli District.

3.The Additional Assistant Elementary
Educational Officer
Vallioor, Tirunelveli District.

4.The Correspondent
St.Joseph's R.C Middle School
Kizhavaneri, Vallioor via
Tirunelveli District. .. Respondents in W.P. (MD)No.19753/2015

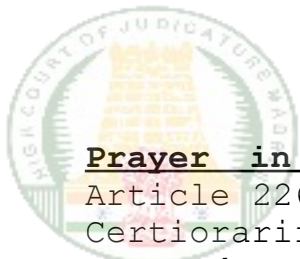
1.The Director of School Education
College Road, Chennai - 6.

2.The Chief Educational Officer
Tirunelveli, Tirunelveli District.

3.The District Educational Officer
Cheranmahadevi, Tirunelveli District.

4.The Correspondent
St. Joseph High School
Vaikalipatti, Mettur - 627 436
Tirunelveli District. .. Respondents in W.P. (MD)No.14405/2013

Prayer in W.P. (MD)No.19753 of 2015: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to pay the salary for the period from 03.11.1995 to 01.06.2003 to the petitioner and to pay the other benefits namely selection grade etc.



Prayer in W.P. (MD) No.14405 of 2013: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent herein in O.Mu.No.4224/A3/2012 dated 03.11.2012 and quash the same and consequently, direct the respondents herein to award selection grade pay to the petitioner with effect from 01.12.2005 with all attendant benefits and privileges.

For Petitioner : Mr.T.Pon Ramkumar
(In both W.Ps)

For Respondents : Mr. J.Gunaseelan Muthiah,
(In both W.Ps) Addl. Govt. Pleader for R1 to R3

For R4 : No Appearance

COMMON ORDER

The relief sought for in W.P.(MD)No.19753 of 2015 is to direct the respondents 1 to 3 to pay salary for the period from 03.11.1995 to 01.06.2003 to the petitioner and to pay the other benefits including Selection Grade.

2. The relief sought for in W.P.(MD)No.14405 of 2013 is to call for the records of the 3rd respondent in O.Mu.No.4224/A3/2012 dated 03.11.2012 and quash the same and consequently, direct the respondents herein to award selection grade pay to the petitioner with effect from 01.12.2005 with all attendant benefits and privileges.

3. The claim of the writ petitioners raised based on the Government Order passed in G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002, regarding the acquisition of qualification of child psychology. This Court has considered the issue with reference to G.O.Ms.No.155, School Education (D2) Department, dated 03.10.2002, and pass orders on 09.08.2019 in W.P. (MD)No.18198 of 2013 etc. batch.

4. Even before the said order, the Hon'ble Division Bench also passed an order in W.A.(MD)Nos.74 of 2015 and 957 of 2016 dated 21.03.2018 and the relevant paragraphs are extracted hereunder:

11.In the light of the above reasoning, we are of the considered view that the order passed by the Writ Court directing disbursement of salary from the date of original appointment, cannot be sustained, in the light of explicit condition imposed in G.O.Ms.No.155, which was upheld by the Division Bench in a Public Interest Litigation. Thus, for the above reasons, the writ appeals



filed by the department has to be allowed.

12.The learned counsel for the respondents submitted that though there were about 3000 Teachers who were appointed in such improper manner as of now 300 Teachers would be entitled to monetary benefits and as remaining persons were already paid and they were protected by the Division Bench order from the effect of recovery, the learned counsel submitted that the respondent should be permitted to approach the Government by way of representation.

13.We make no positive observation on this request. But it is always open to the respondents/writ petitioners to approach the Government, if they so desire. For the above reasons, the writ appeals are allowed and the impugned orders are set aside and consequently, the writ petitions are dismissed. No Costs. Consequently M.P.(MD)Nos.1 and 2 of 2015 and C.M.P. (MD)No.5749 of 2016 are closed.

5. In view of the judgment cited supra, the reliefs as such sought for in these present writ petitions cannot be granted.

6. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

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Sub Assistant Registrar(CS)

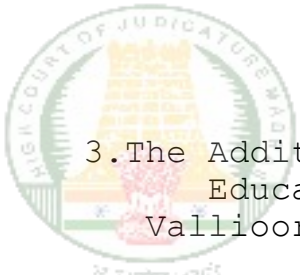
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate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

To

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Cheranmahadevi, Tirunelveli District.

+1 CC to M/s.GP (SR-24590 & 24591[F] dated 09/12/2020)

+2 CC to M/s.T.PON RAMKUMAR, Advocate SR-24752[F] dated 09/12/2020

W.P. (MD) No .19753 of 2015
and W.P. (MD) No.14405 of 2013
and M.P. (MD) No.1 of 2013
08.12.2020

sss(CO)
TR(18.12.2020) 4P 10C