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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17793 of 2021
(Through Video Conferencing)

T.Thiruvadivoo

... Petitioner

Vs

1. The State of Tamil Nadu
Represented by its Principal Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Presidency Girls Higher Secondary School Campus,
Egmore, Chennai - 600 008.
4. The District Educational Officer,
South Chennai, Chennai - 600 008.
5. The Block Educational Officer,
Egmore, Chennai - 600 008.
6. The Management/Correspondent,
St.Augustine Middle School,
Chindatripet, Chennai - 600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the order passed in Na.Ka.No.4449/M2/2021 dated 20.07.2021 on the file of the fourth respondent herein and quash the same and consequently direct the respondents 1 to 5 to approve the petitioner's appointment with effect from 04.06.2012 with continuity of service and release salary and other attendant monetary benefits from the said date of original appointment i.e., 04.06.2012.

For Petitioner : Mr.C.Munusamy
For R1 to R5 : Mr.L.S.M.Hasan Fizal
Government Advocate



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ORDER

The petitioner claims to have been appointed with effect from 04.06.2012 in place of Mrs.Kannammal who retired from service on 31.05.2012.

2. It is the case of the petitioner that the petitioner also qualified herself in TET Examinations in the year 2013 and the respondents have given approval to the appointment of the petitioner only with effect from 18.08.2013 being the date on which the petitioner qualified in TET Examinations.

3. The learned counsel for the petitioner submits that the requirement of TET qualification is not mandatory in the case of minority institutions. It is the case of the petitioner that the sixth respondent School/Minority Institution in which she was appointed in place of Mrs.Kannammal and therefore the impugned order approving the appointment of the petitioner only with effect from 18.08.2013 is liable to be interfered in the light of the decision of this Court in W.P.No.23373 of 2019 vide order dated 09.03.2020.

4. The learned counsel for the petitioner further submits that by an order dated 09.03.2020 even in the context of a non-minority institutions, this Court has taken a view that once a teacher obtains a TET qualification, approval has to date back to the original date of appointment.

5. The learned counsel for the petitioner submits that since there is no dispute that the petitioner was appointed by the sixth respondent School/Minority Institution on 04.06.2012 and therefore the order is liable to be quashed with consequential relief.

6. The learned Government Advocate for the respondents submits that an appropriate order will be passed subject to verification of the records that the petitioner had indeed been appointed on 04.06.2012 by the sixth respondent School/Minority Institution.

7. This Writ Petition is disposed by directing the fourth respondent to verify whether the petitioner had indeed joined service of the sixth respondent School/Minority Institution on the aforesaid date i.e., 04.06.2012. This exercise shall be carried out by the fourth respondent within a period of two weeks from today. After ascertaining the same, the petitioner's appointment shall be approved from the date of her joining in the aforesaid School/Minority Institution.



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8. This Writ Petition stands disposed of with the above observations. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
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+1CC to Government Pleader, Sr.No.43097

W.P.No.17793 of 2021

PMK (CO)
K.RK. (09.09.2021)