

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17437 of 2014
and M.P.No.1 of 2014

S.Yugapathi

... Petitioner

Vs

1.The Director of School Education,
Govt. of Tamil Nadu,
D.P.I. Campus, College Road,
Nungambakam,
Chennai - 600 006.

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

3. The District Educational Officer,
Tindivanam,
Villupuram District.

4.The Secretary
Gandhi Memorial Higher Secondary School,
Tiruvonnainallur,
Villupuram District.
Pin 607 203

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents especially the 3rd respondent to approve the appointment of the petitioner as BT Assistant (Maths) at the 4th respondent school from 04.06.2012 and consequently direct the respondents to sanction and pay the salary with all monetary benefits including the arrears of salary.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.Rajaperumal
Additional Government Pleader

ORDER

Heard both sides and perused the materials placed before this Court.

2.The prayer made in this writ petition is to direct the third respondent to approve the appointment of the petitioner as BT Assistant (Maths) in the 4th respondent school from 04.06.2012 and consequently direct the respondents to sanction and pay salary and all other monetary benefits along with arrears.

3.Upon notice, the third respondent filed a detailed counter affidavit, wherein, it is averred as follows:

"It is further submitted that as per the instructions of the 1st Respondent, the appointment of the petitioner was approved by the 3rd respondent on 17.07.2014 with the following conditions vide proceedings Na.Ka No.1466/A2/2013 with effect from the date of appointment of the petitioner.

(1) The Petitioner should pass the T.E.T. examination within 5 years from 1.4.2010 to 31.3.2015 as per the instructions contained in G.O.Ms.No.181 School Education (C@) Department, dated 15.11.2011.

(2) If the Petitioner not passed the T.E.T. Examination within the time limit, the approval of his appointment will automatically cancelled and deemed to be terminated from service permanently.

(3) The approval of appointment ordered now is subject to the final orders to be passed by the Hon'ble High Court, Madras in W.P.No.17437 of 2014 filed by the Petitioner and the cases filed in the Hon'ble High Court Branch, Madurai in M.P.No.2 & 3 of 2013 in W.P. (M.D) Nos.18642 to 18651 of 2013.

(4) The temporary approval of appointment of the Petitioner subject to the genuineness of his S.S.L.C., 12th Standard and degree certificates. If any of the said certificate is found to be not genuine, the approval of appointment of the Petitioner will be deemed to have been cancelled and liable to be the staff grant sanctioned to the Petitioner should be paid into the Government Account in one lump sum.

The instructions of the 1st Respondent is based on the orders passed by the Hon'ble High

Court of Madurai Branch in M.P.Nos.2 & 3 of 2013 in W.P.(MD) Nos.18642 to 18651 of 2013. The order of the 3rd Respondent in having approved the appointment of the Petitioner is quote in order. The Petitioner is being paid the salary from the date of issue of the order by the 3rd Respondent."

4.On the other hand, the learned counsel for the petitioner submitted that the petitioner has not received salary from the date of appointment and hence, appropriate direction be given to the respondents in this regard.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the third respondent to consider the claim of the petitioner with respect to salary and other consequential benefits, and pass appropriate orders on merits within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Director of School Education,
Govt. of Tamil Nadu,
D.P.I. Campus, College Road,
Nungambakam,
Chennai - 600 006.

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

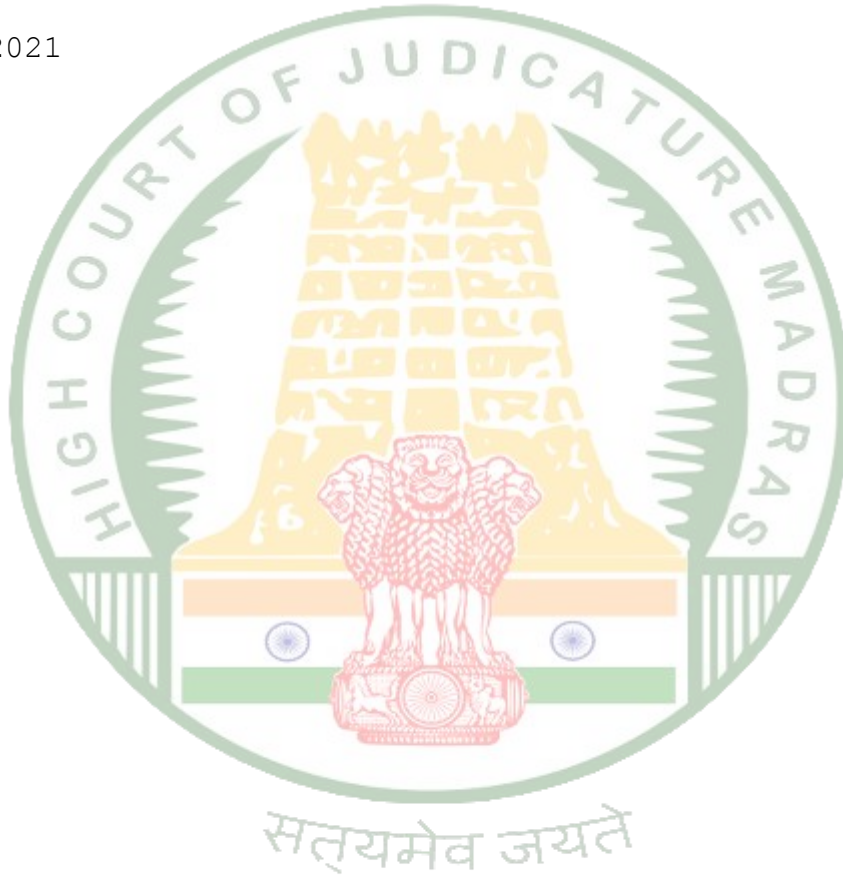
3. The District Educational Officer,
Tindivanam,
Villupuram District.

4.The Secretary
Gandhi Memorial Higher Secondary School,
Tiruvennainallur,
Villupuram District.
Pin 607 203

+1cc to Mr.G.Sankaran, Advocate Sr.No.3880
+1cc to Government Pleader Sr.No.4046

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NMI (CO)
NR 17/04/2021



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