



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)Nos.1104 of 2019 and 3 of 2021

and C.M.P. (MD) Nos.9882 of 2019 and 14 of 2021

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W.A. (MD)No.1104 of 2019:

- 1.The State of Tamil Nadu,
Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
 - 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
 - 3.The District Educational Officer,
Tirunelveli.
 - 4.The Additional Assistant Elementary Education Officer,
Kadayam Range,
Tirunelveli District.
- ... Appellants/Respondents

Vs.

J.Vijaysundar

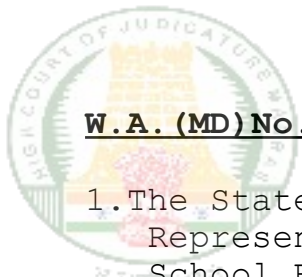
... Respondent/Writ Petitioner

Prayer in W.A. (MD) No.1104 of 2019 : Writ Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P. (MD)No.1053 of 2018, dated 03.01.2019.

Prayer in WP(MD) . 1053/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Letter No.10781/Ne.Va.2(1)/2017 dt.27/11/2017 issued by the 1st respondent and quash the same and subsequently direct the 1st to 4th respondents herein to revise the date of regularization of the petitioner from 23/07/1997 and pay the arrears of salary to the post of secondary Grade teacher for 5 years and subsequently from 23/07/2002 to revise the pay of the petitioner to that of primary school Headmaster and grant all other service benefits based on the revised date of regularization to the petitioner.

For Appellants	:	Mrs.S.Srimathy Special Government Pleader
For Respondent	:	Mr.B.Prasanna Vinoth



W.A. (MD) No.3 of 2021:

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Director of Elementary Education,
Chennai - 6.
- 3.The District Elementary Educational Officer,
Thirunelveli District, Thirunelveli.
- 4.The Assistant Elementary Educational Officer,
Kadayanallur,
Tirunelveli District. ... Appellants/Respondents 1 to 4

Vs.

- 1.K.Nazeema Banu ... 1st Respondent/Writ Petitioner
- 2.The Secretary,
Jamalia Primary School,
Pottalpudur - 627 423,
Ambasamuthram Taluk,
Thirunelveli District. ... 2nd Respondent/5th Respondent

Prayer in W.A. (MD) No.3 of 2021 : Writ Appeal filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P. (MD)No.14472 of 2014, dated 19.12.2019.

Prayer in WP(MD). 14472/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus , calling for the records pertaining to the order passed by the 3rd Respondent in his proceedings in O.Mu. No. 3277/A3/2008. dated 28.02.2012 and Quash the same, and direct the respondents to approve the appointment of the petitioner from 09.02.1998 and confer all the consequential monetary benefits .

For Appellants : Mrs.S.Srimathy
Special Government Pleader
For Respondent No.1 : Mr.B.Prasanna Vinoth

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

Since the issue involved in these Writ Appeals are one and the same, they are taken up together and disposed of by this common judgment.

2.These Writ Appeals have been filed against the order of the learned Single Judges, who allowed the Writ Petitions by taking note of the judgment of the Division Bench of this Court in W.A.(MD) Nos.74 of 2015 and 957 of 2016 dated 21.03.2018.



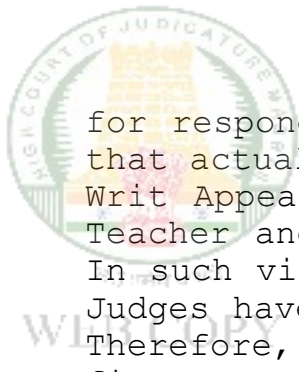
3.Learned Special Government Pleader appearing for the appellants submitted that the orders passed by the learned Single Judges by taking note of the judgment of the Division Bench is contrary to the Rules governing. Respondent No.1/writ petitioner in these Writ Appeals have not completed the Child Psychology Course and in any case the requirement is five years of service as Secondary Grade Teacher. Incidentally, it is submitted that even otherwise, the orders of the learned Single Judges are required to be clarified that for the first five years, respondent No.1/writ petitioner in these appeals are entitled for the salary only as Secondary Grade Teacher.

4.Mr.B.Prasanna Vinoth, learned counsel appearing for respondent No.1/writ petitioner in these Writ Appeals submitted that the judgment passed by the Division Bench of this Court has been taken note of by the learned Single Judges, which has been given effect to by giving adequate relaxation by the Government. The prayer of respondent No.1/writ petitioner in these appeals is for the first five years, salary of Secondary Grade Teacher and thereafter, the salary of Elementary School Headmaster. Even on the issue of non-completion of Child Psychology Course, they having not served as Secondary Grade Teacher, they are not required to undergo Child Psychology training and the same has been decided by the Division Bench and has been given effect to by the appellants. In view of the same, no interference is required with respect to the condition of Child Psychology and the mandatory requirement of service as Secondary Grade Teacher.

5.The contentions on merits made by the learned Special Government Pleader appearing for the appellants cannot be sustained in view of the fact that the issue is being governed by the order of the above said Division Bench of this Court.

6.The issues relating to five years service as Secondary Grade Teacher and Child Psychology Course have been considered by the Division Bench of this Court and they had attained finality. Therefore, what is required is, the appellants have to exercise their power for relaxation and give the relief to respondent No.1/writ petitioner in these Writ Appeals in tune with the similarly placed persons in W.A.(MD) Nos.74 of 2015 and 957 of 2016 dated 21.03.2018. We may also note that the aforesaid judgment passed has also been given effect to by granting the relief. Therefore, appropriate orders have to be passed by the appellants within a period of eight weeks from the date of receipt of a copy of this order.

7.The other issue is with respect to the payment of salary as the Secondary Grade Teacher. Mr.B.Prasanna Vinoth learned counsel



for respondent No.1/writ Petitioner in these Writ Appeals submitted that actually the prayer of respondent No.1/writ petitioner in these Writ Appeals is for the first five years salary of Secondary Grade Teacher and thereafter, the salary of Elementary School Headmaster. In such view of the matter, the orders passed by the learned Single Judges have to be understood in the light of the prayer sought for. Therefore, we only clarify the above position that for the first five years respondent No.1/writ petitioner in these Writ Appeals are only entitled to the salary of Secondary Grade Teacher.

8. Accordingly, these Writ Appeals stand disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The District Educational Officer,
Tirunelveli.
4. The District Elementary Educational Officer,
Thirunelveli District, Thirunelveli.
5. The Assistant Elementary Educational Officer,
Kadayanallur, Tirunelveli District.
6. The Additional Assistant Elementary Education Officer,
Kadayan Range, Tirunelveli District.



W.A.(MD)Nos.1104 of 2019 and 3 of 2021

+1CC to Spl GP,SR.No.13695 dated 25/03/2021

+2CC to Mr.B.Prasanna Vinoth,Advocate,
SR.No.13516,13515 dated 25/03/2021

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W.A. (MD)Nos.1104 of 2019 and 3 of 2021
24.03.2021

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