



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2021

CORAM :

WEB COPY

THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.A(MD)No.2131 of 2021

and

CMP(MD)No.9959 of 2021

- 1) The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.
- 2) The Director of School Education,
College Road,
Chennai-600 006.
- 3) The Chief Educational Officer,
Tiruchirapalli District,
Tiruchirapalli.
- 4) The District Educational Officer,
Tiruchirapalli District,
Tiruchirapalli. ... Appellants / Respondents

vs.

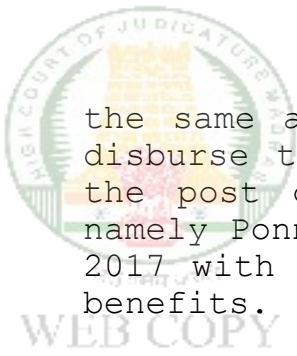
- 1) Fr.Geevarghese Mathew ... 1st Respondent/ Writ Petitioner
- 2) Ponniah Higher Secondary School,
Rep. by its Corporate Manager,
Palakkarai-620 001,
Tiruchirapalli District. ... 2nd Respondent/ 5th Respondent

Appeal filed under Clause 15 of Letters Patent, against the order dated 29.07.2021 made in W.P(MD)No.11689 of 2017.

Prayer in WP(MD). 11689/ 2017 :

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 proceedings issued by the 4th respondent District Educational officer in Na.Ka.No.4382/A4/2013 dated 25.07.2013 quash

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the same and further direct the 4th respondent DEO to continue to disburse the grant-in-aid towards the salary for the petitioner in the post of PG Assistant (Zoology) in the 5th respondent school namely Ponniah Higher Secondary School, Palakarai, Trichy since July 2017 with arrears of salary and allowances and all other attendant benefits.

For Appellants : Mr.P.Subbaraj
Special Government Pleader
For R1/Caveator : No appearance

JUDGMENT

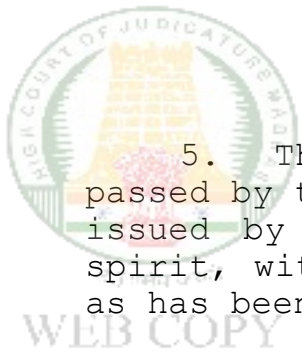
(Judgment of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The writ petitioner, who is the 1st respondent in this appeal, is a Post Graduate Teacher appointed in a sanctioned vacancy in the 2nd respondent school and it was also approved by the 4th appellant and he has been drawing the salary for the said post. However, in the month of July 2013, the salary bill of the 1st respondent was returned stating that the disbursement of the salary for the writ petitioner could be considered only as per the norms in vogue, that is, after passing the Tamil language test conducted by the TNPSC or the TRB.

2. The appellants had contended that as per the requirement of Rule 12-A of the Tamil Nadu State and Subordinate Service Rules, the 1st respondent/writ petitioner should have passed the Tamil language test conducted by the TNPSC or the TRB, within two years from the date of appointment. As the writ petitioner had not satisfied the said requirement, he is not entitled to claim salary by way of grant-in-aid from the Government of Tamil Nadu.

3. The learned single Judge who considered the writ petition, placing reliance on the decisions of the Hon'ble Supreme Court in **A.B.Krishna vs. State of Karnataka** reported in (1998) 3 SCC 495 and **T.M.A. Pai Foundation vs. State of Karnataka** reported in (2002) 8 SCC 481, disposed the writ petition, remanding the matter back to the authorities, for fresh consideration in accordance with law.

4. The Writ Court had given directions in detail as to how the authorities should deal with it. In clause 5 of the directions, it is stated that the eligible amount of arrears of salary should be paid within one month from the date of passing of the order and report of compliance in that regard shall be filed before this Court, apart from monthly salary for future months on due dates. Clause 5 will come into operation only after Clauses 1 to 4 are complied with, as it is only consequential in nature. Even without advertng to the said fact, the Government has rushed to this Court by filing the appeal.



5. Therefore, we are not inclined to interfere with the order passed by the learned single Judge. We reiterate that the directions issued by the Writ Court has to be complied in its letter and spirit, within a period of four weeks and compliance to be reported as has been directed therein.

6. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

7. Post the matter on 04.01.2022 for reporting compliance.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1) The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.
- 2) The Director of School Education,
College Road, Chennai-600 006.
- 3) The Chief Educational Officer,
Tiruchirapalli District,
Tiruchirapalli.
- 4) The District Educational Officer,
Tiruchirapalli District, Tiruchirapalli.

COPY TO:

The Section officer, Writ Section,
Madurai Bench Of Madras High Court, Madurai.
(To list the Writ petition for reporting compliance)

+1 CC to M/s.SPL GP (SR-36482[F] dated 30/11/2021)
+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-36548[F] dated 30/11/2021)

W.A(MD)No.2131 of 2021

DATED : 29.11.2021

_RD(07.12.2021) 3P 8C

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