



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.24032 of 2016

and

W.M.P (MD)No.17332 of 2016

WEB COPY

G.Gangadevi

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Thanjavur District,
Thanjavur.

2.The Additional Elementary Educational Officer,
Thanjavur Rural,
Thanjavur-613 001.

3.The Secretary,
Swaminatha Aided Primary School,
Vallam-613 403
Thanjavur Taluk & District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to comply the order of approval issued by the 1st respondent in Mu.Mu.No.00773/Aa1/2016, dated 12.04.2016 and to disburse salary to the petitioner with scale of pay applicable to the post of Secondary Grade Teacher from the date of appointment on 10.02.2016 with all consequential and other attendant benefits, based on the representation submitted by the 3rd respondent with pay bill dated 13.04.2016, within a time frame to be fixed by this Court.

For Petitioner	: Mr.G.Sankaran
For R1 & R2	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader
For R3	: Mr.T.Ramachandran

O R D E R

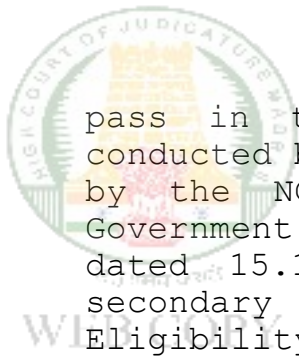
This writ petition is filed for a direction to the second respondent to comply the order of approval issued by the first respondent in Mu.Mu.No.00773/Aa1/2016, dated 12.04.2016 and to disburse the salary to the petitioner with scale of pay applicable to the post of Secondary Grade Teacher from the date of appointment on 10.02.2016 with all consequential and other attendant benefits, based on the representation submitted by the third respondent with pay bill, dated 13.04.2016.



2.The case of the petitioner is that she has completed Diploma in Teacher Education (D.T.Ed.,) and she is also eligible to be appointed to the post of Secondary Grade Teacher and she has also participated in Teachers Eligibility Test (TET) conducted in August 2013 and she secured 84 marks and thereby, qualified for appointment to the post of Secondary Grade Teacher. Thereafter, a vacancy has been arisen to the post of Headmaster in the third respondent School, due to the resignation of the incumbent with effect from 17.12.2012. Consequent to the said vacancy, the first respondent issued proceedings, dated 03.06.2015 granting permission to fill up the post of Headmaster by promotion or by direct recruitment. In such circumstances, the petitioner was selected and appointed to the post of Primary School Headmaster of the third respondent School, as per the Resolution passed by the School Committee, dated 05.02.2016 and subsequently, the third respondent has also issued an order of appointment, dated 10.02.2016. Accordingly, the petitioner joined in the said post on 10.02.2016. Consequent to the petitioner's appointment, the third respondent has forwarded the proposal to the first respondent through the second respondent for approval of her appointment, and five years experience in the post of Secondary Grade Teacher is required for appointment to the post of Primary School Headmaster. Having regard to the fact that the petitioner was appointed through direct recruitment, in the absence of qualified candidates sponsored by Employment Exchange, she was given appointment to the post of Headmaster in the third respondent school. In such circumstances, the first respondent issued proceedings, dated 12.04.2016 granting approval of appointment to the post of Primary School Headmaster, as per G.O.Ms.No.97, dated 05.07.2001, on condition that she should draw salary in the post of Secondary Grade Teacher for a period of 5 years and thereafter, she is eligible for the scale of pay applicable to the post of Primary School Headmaster. However, even after the approval of the first respondent, the second respondent had not disbursed the salary in favour of the petitioner. Hence, the present writ petition is filed with the aforesaid prayer.

3.The learned counsel appearing for the petitioner submitted that the petitioner was appointed in the vacant post of Headmaster by the School Committee on 10.02.2016 and thereafter, the appointment of the petitioner was also approved by the first respondent on 12.04.2016. Hence, there is no legal impediment for the second respondent to disburse the salary to the petitioner. Further the learned counsel submitted that this Court may issue a direction to the respondents to disburse the salary and consider the representation submitted by the third respondent School, dated 13.04.2016 within the reasonable time as fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that as per Notification in F.No.61-03/20/2010/NCTE (N&S), dated 23.08.2010, the minimum qualification for appointment to the post of Headmaster, who are taking classes I to V, has been fixed as



pass in the Teachers Eligibility Test (TET), which is to be conducted by the Government in accordance with the guidelines framed by the NCTE. Consequently, the State of Tamil Nadu issued Government Order in G.O.Ms.No.181, School Education(C2) Department, dated 15.11.2011, by which, the minimum qualification for the secondary grade teacher post was fixed as pass in Teacher Eligibility Test(TET).

5.Considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the representation submitted by the third respondent School, dated 13.04.2016 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Elementary Educational Officer,
Thanjavur District,
Thanjavur.

2.The Additional Elementary Educational Officer,
Thanjavur Rural,
Thanjavur-613 001.

+1 CC to M/s.SPL GP (SR-9156[F] dated 05/03/2021)

+1 CC to MR.F.DEEPAK, Advocate (SR-8779[F] dated 04/03/2021)

W.P. (MD)No.24032 of 2016 and

W.M.P (MD)No.17332 of 2016

04.03.2021

VB (25.03.2021) 3P 5C