



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. (MD)No.1474 of 2017
and
C.M.P(MD)No.11636 of 2017

1.The District Elementary Educational Officer,
Madurai District.

2.The Assistant Elementary Educational Officer,
Melur,
Madurai District.

... Appellants/Respondents 1 & 2

-vs-

1.S.Kannagi

... 1st respondent/Writ petitioner

2.The Secretary,
Tamilarasi Middle School,
Melur,
Madurai District.

... 2nd Respondent/3rd Respondent

PRAYER : Writ Appeal has been filed under Clause 15 of the Letters Patent, against the order dated 16.08.2017 passed in W.P. (MD)No.14309 of 2017.

Prayer in WP(MD). 14309/ 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 pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.331-A-2017 dated 27.03.2017 and quash the same and direct the respondents to sanction selection grade to the petitioner with effect from 23.03.2008 in the cadre of secondary grade teacher with all the consequential benefits.

For Petitioner : Mr.R.Ragavendar
Government Advocate
For Respondents : Mr.V.Panneerselvam
for R1



O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

The Writ Petition has been filed challenging the order passed by the Assistant Elementary Educational Officer, Melur, Madurai District, dated 27.03.2017, refusing to grant Selection Grade to the writ petitioner on the ground that the writ petitioner failed to undergo Child Psychology Training Course and she is entitled for the Selection Grade from the date on which she completed the Child Psychology Training Course.

2. The learned Single Judge allowed the writ petition following the decision of the Division Bench of this Court in W.A(MD)Nos.1085, 1086, 726 and 1455 to 1457 of 2014, dated 12.07.2017. Now, challenging the said order, the appellants/respondents 1 and 2, have filed this writ appeal.

3. Mr.V.Panneerselvam, learned counsel for the first respondent/writ petitioner would submit that the writ petitioner was appointed on 23.03.1998. Thereafter, her appointment was approved by the competent authority on 08.05.1998 and from that date, her service should be counted for awarding Selection Grade. So far as the Child Psychology Training Course is concerned, she has completed the said Course during May, 2003. According to the learned counsel, once the appointment was approved and confirmed by the competent authority, awarding of Selection Grade would automatically follow on completion of ten years and he relied upon the decision of the Division Bench of this Court in W.A(MD)No.1085 of 2014 etc., batch, dated 12.07.2017.

4. The learned Government Advocate appearing for the appellants is not in a position to dispute the above submissions.

5. We have considered the submissions on either side and perused the materials available on record.

6. The issue involved in the writ petition is no more *res integra*. The Division Bench of this Court in W.A(MD)No.1085 of 2014 etc., batch dated 12.07.2017, has held that once the appointment is approved, the Selection Grade has to be given on completion of 10 years therefrom. Merely because the Teacher undergone the Child Psychology Training Course at later time, it cannot be a reason for denying the Selection Grade. The relevant portion of the said decision is extracted hereunder:

"4. When the appointments of the writ petitioners were approved, the confirmation of Selection Grade will have to be given on completion of 10 years therefrom. Merely because the Child Psychology Training Course was undergone by them later, the completion of 10 years of service cannot be correspondingly deferred. This has been the



consistent view taken by this Court on the earlier occasions. We see no reason to differ from the same. We find no merit in these writ appeals. Hence, these writ appeals stand dismissed. No Costs..."

7. Considering the above, we find no reason to interfere with the order passed by the learned Single Judge. Hence, the writ appeal is liable to be dismissed and accordingly, dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 District Elementary Educational Officer,
Madurai District.

2.The Assistant Elementary Educational Officer,
Melur,
Madurai District.

+1 CC to M/s.SPL. GP (SR-29595[F] dated 20/09/2021)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-29665[F] dated 20/09/2021)

W.A. (MD)No.1474 of 2017
17.09.2021

PK(CO)
KB(28.09.2021) 3P 5C