



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.23078 of 2015

S.Arockia Selvi

Working as Vocational Teacher,
St.Alocious higher Secondary School,
T.Kallikulam,
Tirunelveli District.

...Petitioner

Vs.

1.Government of Tamil Nadu,
represented by Secretary to Government,
Educational Department,
Secretariat, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai 600 006.

3.The Joint Director of School Education (Higher Secondary)
DPI Compound, Chennai - 6.

4.The Chief Educational Officer,
Tirunelveli District - 9,

5.The Correspondent,
St.Alocious Higher Secondary School,
T.Kallikulam,
Tirunelveli District.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India pleaded to issue writ of certiorarified Mandamus after calling for the records from second respondent proceedings in Na.Ka.No.19755/V1/E3/2011, dated 22.07.2013 is illegal, arbitrary and quash the same and to issue consequential direction directing the respondents 1 to 4 to approval of the petitioner appointment for the post of Vocational Teacher and to disburse the arrears of salary with all benefits to the petitioner with effect from 25.11.1992.

For Petitioner : Mr.A.Esakkiappan



For Respondents : Mrs.P.Rajarajeswari
Government Advocate

O R D E R

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The grievance of the petitioner is that her appointment to the post of Vocational Teacher has not been approved and hence, she has challenged the orders of the second respondent issued in Na.Ka.No.19755/V1/E3/2011, dated 22.07.2013, rejecting her claim predominantly on the ground that the post in which she was appointed is not a sanctioned post. Through an interim order passed on 29.07.2015, in M.P.No.1 of 2015 in W.P.No.23078 of 2015, this Court had taken note of the fact that the petitioner's name was found place at Serial No.22 in the annexure to G.O.No.74, School Department, dated 10.06.2002 for approval of her appointment as Vocational Teacher and accordingly directed the Chief Educational Officer, Tirunelveli District, to give temporary approval to the petitioner for the post of Vocational Teacher in the fifth respondent School.

2.Alleging non compliance of the interim order of the Court, the Contempt Petition No.36 of 2016 came to be filed and when the matter was taken up hearing, the learned Government Advocate had produced a copy of the proceedings of the Chief Educational Officer in Na.Ka.No.9800/A6/2021, dated 03.01.2022, issued by the Chief Educational Officer, whereby, approval has been granted to the petitioner for the post of Vocational Teacher, with effect from 20.09.1996. By recording the proceedings, the Contempt Petition was closed.

3.The learned counsel for the petitioner would submit that though the approval has been granted, she would be entitled for all the monetary benefits including annual increments. In this regard, this Court is of the view that, if the petitioner is permitted to approach the second respondent with a representation to have her grievance redressed and with a consequential direction to the authority to consider the same, the ends of justice could be secured.

4.In the light of the above observations, the petitioner is at liberty give a representation to the Chief Educational Officer, Tirunelveli District, seeking for her entitled Monetary benefits. In view of the proceedings of the CEO, dated 03.01.2022 and on receipt of such representation, the CEO, Tirunelveli, shall endeavour to pass orders, by taking note of the approval granted to the petitioner's post, with effect 20.09.1996 and accordingly pass orders for disbursement of the



monetary benefits for which she would be entitled to. Such orders shall be passed at least within a period of four weeks from the date of receipt of a copy of such representation.

5. Accordingly, this Writ Petition stands ordered. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
Government of Tamil Nadu,
Educational Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Joint Director of School Education (Higher Secondary)
DPI Compound, Chennai - 6.
4. The Chief Educational Officer,
Tirunelveli District - 9,
5. The Correspondent,
St. Alocious Higher Secondary School,
T. Kallikulam,
Tirunelveli District.

+2 CCS to Mr. A. Esakkiappan, Advocate sr 4228
+1 CC to The Government Pleader sr 4267.

W.P.No.23078 of 2015

SR(CO)
SP(24/02/2022)