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W.P.No.9348 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9348 of 2018

Mr.S.Madhu

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Educational Department,
Fort St.George,
Chennai – 600 009.

2. The Director of School Education,
Chennai – 600 006.

3. The District Educational Officer,
Uthamapalayam,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus to direct the respondents to pass an order approving the employment of the petitioner from the date of his appointment i.e., on 05.07.1999 and further direct the respondents to pay all monetary benefits for the period from 05.07.1999 to 28.07.2009 complying with



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various orders passed by the Hon'ble High Court.

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For Petitioner : Ms.J.Josephine Saranya
for M/s.S.Arunachalam Associates
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to pass an order approving the appointment of the petitioner from the date of consequential appointment on 05.07.1999 and further direct the respondents to pay monetary benefit for the period from 05.07.1999 to 28.07.2009.

2.The petitioner states that he was initially appointed as a Craft Instructor (Argi) at St.Aloysius Higher Secondary School, Royappanpatty Uthamapalayam Taluk, Theni District on 05.07.1999 and his appointment was not approved by the Competent Educational Authorities.

3.The petitioner states that he had undergone two years Diploma Course in Agriculture at Sagayathottam Institute of Agriculture and Rural Development, Thakkolam, Arakonam Taluk, Vellore District during the



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academic year 1996-1998.

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4. However, the appointment of the petitioner was not approved by the Competent Educational Authorities on the ground that the petitioner did not possess Teachers Technical Certificate (T.T.C) at the time of appointment. Thus, the Competent Authorities of the Education Department had not granted approval of appointment of the writ petitioner.

5. That apart, the learned Special Government Pleader for the respondents brought to the notice of the Court that the certificate obtained by the petitioner during the relevant point of time was not recognized by the Education Department of the Government of Tamil Nadu and thus, the approval was rejected.

6. Subsequently, pursuant to the orders of the High Court in a Writ Proceedings, the qualification was approved from the year 2009. Thereafter, the appointment of the writ petitioner was approved by the competent authorities. At present, the petitioner is working as a Craft Instructor and receiving salary



7. The claim of the writ petitioner for retrospective approval of appointment from the date of initial appointment was not considered by the authorities mainly on the ground that the petitioner did not possess the qualification of Teachers Technical Certificate (T.T.C) and further the degree possessed by the petitioner was not recognized by the Education Department.

8. Since the issues were resolved and an appointment of the writ petitioner was approved with effect from 28.07.2009, the question of grant of retrospective approval would not arise at all.

9. The learned Special Government Pleader for the respondents reiterated that the petitioner did not possess the requisite qualification of Teachers Technical Certificate (T.T.C) on the initial date of appointment in the aided school on 05.07.1999. Therefore, he is not eligible for grant of approval of appointment from the said date.



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10. The said position was stated by the respondents in Paragraph Nos.

5 and 8 of their counter, which reads as under:

“5. It is also evident from the letter dated 23. It is submitted that the above orders is for the Government Schools only in as much the Tamil Nadu School Educational Subordinate Services refers to only Government – 02 – 2004 of the Education Secretary Brothers of the Sacred Heart of Jesus Palayamkottai addressed to the Correspondent St.Alosius Higher Secondary School, Royappanpatty that as per Annexure V of the Rule 15 (6) the Tamil Nadu Private recognized schools regulations Act 1973 Rules 1974 the T.T.C. is absolutely necessary. The petitioner did not possess this T.T.C. qualification and hence he was not eligible for appointment and his appointment as Craft Instructor (Agriculture) was irregular. It was further informed that the petitioner may be terminated after due notice.

8. It is submitted that it is for the petitioner to get fully qualify for the post to which he wished to be appointed. Even when pointed out by the management as explained in para 4 above he was reluctant for which the Department cannot take any responsibility. The course the petitioner possessed at the time of his initial appointment was not for the appointment of the Craft Instructor (Agriculture) but for the Agriculture Officer. For appointment as Craft Instructor (Agriculture) one should have undergone a course of T.T.C which the petitioner did not have. The petitioner having understood wrongly, was under the wrong impression that he was fully qualified even at the time of his initial appointment. All the Government Orders



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detailed by the petitioner did not relate to the appointment of Craft Instructor (Agriculture). Due to ignorance the petitioner is presenting his unworthy argument in his affidavit.”

11. In view of the fact that the petitioner did not possess the requisite qualification of Teachers Technical Certificate (T.T.C) on the date of his initial appointment on 05.07.1999, he is not eligible to claim retrospective approval of appointment from the initial date of appointment i.e., on 05.07.1999. Thus, the petitioner has not established any acceptable ground for the purpose of considering the relief.

12. Accordingly, the writ petition stands dismissed. No costs.

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Index:Yes
Internet:Yes
Speaking order
rgm/ssr

To



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S.M.SUBRAMANIAM, J.

SSI

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