



**W.P.(MD)No.3420 of 2020  
and  
W.P.(MD)Nos.7609 and 7611 of 2021**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:15.12.2022**

**CORAM:**

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

**W.P.(MD)Nos.3420 of 2020  
and  
W.M.P(MD)Nos.2871 of 2020  
and  
W.P(MD)Nos.7609 and 7611 of 2021  
and  
W.M.P(MD)Nos.5766 and 5768 of 2021**

**W.P(MD)No.3420 of 2020:**

|                 |                                       |
|-----------------|---------------------------------------|
| D.Sumathi Janci | ... Petitioner in W.P(MD)No.3420/2020 |
| I.Jeya          | ... Petitioner in W.P(MD)No.7609/2020 |
| Stella Mary     | ... Petitioner in W.P(MD)No.7611/2020 |

**Vs.**

1.The State of Tamil Nadu,  
Through its Secretary to Government,  
School Education Department,  
Secretariat,  
Fort St. George,  
Chennai – 9.

2.The State of Tamil Nadu,  
Through its Secretary to Government,  
Finance (Pension) Department,

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- Secretariat,  
Fort St. George,  
Chennai – 9.
- 3.The Commissioner,  
Government Data Center,  
Anna University Campus,  
Chennai – 28.
- 4.The Director of School Education,  
College Road,  
Chennai – 6.
- 5.The District Educational Officer,  
Thoothukudi,  
Thoothukudi District.
- 6.The District Educational Officer,  
Tiruchendur,  
Thoothukudi District.
- 7.The Manager,  
Higher Secondary/High/Special Schools,  
CSI Thoothukudi Nazareth Diocese,  
Caldwell School Campus,  
Thoothukudi. ... Respondents in all W.Ps.

**Prayer in W.P(MD)No.3420 of 2020:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the fifth respondent in his proceedings in R.C.No.992/B2/2004, dated



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30.03.2005 approving the petitioner appointment as Junior Grade Secondary Grade Teacher from 01.06.2003 and quash the same by holding G.O.Ms.No.79 Education Department dated 14.06.2002, G.O.Ms.No.100, Education Department, dated 27.06.2003 and G.O.Ms.No.130, Education Department, dated 27.09.2004 as not applicable and consequent direction may be issued to the respondents to approve the petitioner appointment as a Secondary Grade Teacher in time scale of pay with all attendant benefits, emoluments, Old Pension Scheme benefits from the date of appointment, ie., 24.06.2002 made in the Pope Memorial Higher Secondary School, Sawyerpuram within a stipulated time.

**Prayer in W.P.(MD)No.7609 of 2021:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the fifth respondent in his proceedings in R.C.No.533/04/2004, dated 17.03.2005 approving the petitioner's appointment as Junior Grade Secondary Grade Teacher from 01.06.2003 and quash the same by holding G.O.Ms.No.79 Education Department, dated 14.06.2002, G.O.Ms.No.100, Education Department, dated 27.06.2003 and G.O.Ms.No.130, Education Department, dated 27.09.2004 as not applicable and consequent direction may be issued to the respondents to approve the petitioner's appointment as a Secondary Grade Teacher in



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time scale of pay with all attendant benefits, emoluments, Old Pension Scheme benefits from the date of appointment, ie., 24.06.2002 made in the K.G.M.Higher Secondary School, S.Kailasapuram, within a stipulated time.

**Prayer in W.P.(MD)No.7609 of 2021:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the fifth respondent in his proceedings in R.C.No13755/B2/2004, dated 27.03.2005 approving the petitioner's appointment as Junior Grade Secondary Grade Teacher from 01.06.2003 and quash the same by holding G.O.Ms.No.79 Education Department, dated 14.06.2002, G.O.Ms.No.100, Education Department, dated 27.06.2003 and G.O.Ms.No.130, Education Department, dated 27.09.2004 as not applicable and consequent direction may be issued to the respondents to approve the petitioner's appointment as a Secondary Grade Teacher in time scale of pay with all attendant benefits, emoluments, Old Pension Scheme benefits from the date of appointment, ie., 24.06.2002 made in Tucker Higher Secondary School, Pannalivilai within a stipulated time.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.T.A.Ebenezer                               |
| For R-1 to R-6 | : Mr.S.Saji Bino,<br>Special Government Pleader |
| For R-7        | : Mr.J.Kingsly Solomon                          |



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### **COMMON ORDER**

Since the issue raised in these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

2. The case of the petitioners is that they were appointed as Secondary Grade Teacher by the seventh respondent management and after appointment, they forwarded the proposal for approval. However, the appointment of the petitioners were approved for the post of Junior Grade Secondary Grade Teacher on consolidated pay from 01.06.2003 and subsequently, their services were regularized and still they are working. The claim of the petitioners is that their appointment should be approved from the date of initial appointment in the year 2002 and they are entitled to the monetary benefits on par with the regular Secondary Grade Teachers and hence, they have filed these writ petitions with the aforesaid prayer.



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3. The learned counsel appearing for the petitioners would submit that the petitioners were appointed by the seventh respondent as Secondary Grade Teacher and forwarded the proposal for approval of the Educational Authorities. However, the Authorities granted approval of appointment of the petitioners only as Junior Grade Secondary Grade Teacher on consolidated pay from 01.06.2003, which is contrary to the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the relevant Rules framed thereunder and the petitioners are entitled to be appointed as Secondary Grade Teacher from the date of initial appointment and accordingly, prayed for appropriate orders.

4. The learned Special Government Pleader appearing for the official respondents would submit that the seventh respondent Diocese is a corporate body and running several schools and the schools are minority schools governed by the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the Rules framed thereunder. The Government issued G.O.Ms.No.79 School Education



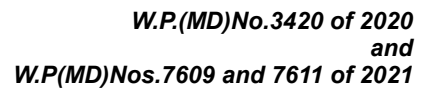
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Department, dated 14.06.2002 for appointing B.Ed., qualified teachers in the place of Secondary Grade Teachers by classifying them as Middle Grade Graduate Teacher. In view of G.O.Ms.No.79, from 14.06.2002, Graduate trained Teachers should be appointed in the middle schools in the post of Secondary Grade Teacher. Hence, the petitioners' appointment was not approved and hence prayed for dismissal of these writ petitions.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Admittedly, the petitioners were appointed as Secondary Grade Teacher in the year 2002 in the seventh respondent's minority Institution. After appointment, the seventh respondent forwarded the proposal for approval of the petitioners' appointment. Initially for the middle school ie., for Standards VI to VIII, the Secondary Grade Teachers were appointed to teach various subjects. In the year 2003, due to change of



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7. In the result, these writ petitions are dismissed. No Costs.

Consequently, connected miscellaneous petitions are closed.

**15.12.2022**

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To

- 1.The Secretary to Government,  
State of Tamil Nadu,  
Education Department,  
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai – 600 006.
- 3.The District Educational Officer,  
O/o.District Education,  
Tirunelveli District – 627 009.



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**M.DHANDAPANI,J.**

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