



W.A. (MD) No.450 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 13.12.2022

PRONOUNCED ON : 22.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A(MD).No.450 of 2022

S.Tamilarasi

...Appellant/Petitioner

Vs

**1.The State of Tamil Nadu
Rep by its Secretary to Government
School Education Department
Secretariat
Chennai 600 009**

**2.The Director of School Education
DPI Campus
College Road
Nungambakkam
Chennai 600 006**

**3.The District Elementary Educational Officer
Karur District
Karur**

**4.The District Elementary Educational Officer
Thanjavur District
Thanjavur**

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5.Church of South India
Tiruchirappalli -Thanjavur Diocese
by its Bishop
Pudur
Trichy -17

6.The Accountant General
Pay & Accounts Office
Nandanam
Chennai 600 032

...Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 14.03.2022 passed in WP(MD).No.17233 of 2015.

For Appellant : Mr.G.Thalaimutharasu

For R1 to R4 : Mr.D.Sadiq Raja
Additional Government Pleader

J U D G M E N T

(Made by **R.VIJAYAKUMAR,J.**)

The writ petitioner is the appellant.

2.The present writ petition has been filed challenging an order passed by the fourth respondent herein under which the request of the appellant/petitioner to regularise her services in the post of Secondary Grade Assistant for the period between 08.06.1998 to 30.04.2003 was rejected.



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3.The appellant/petitioner was appointed as a Secondary Grade Teacher by Tiruchirappalli - Thanjavur Diocese in St.Peters Primary School, Thanjavur on 03.06.1998 with effect from 08.06.1998. According to the appellant/petitioner, she was appointed in a sanctioned post which fell vacant due to the retirement of a teacher namely Mrs.J.Helen. The fifth respondent School had sent a proposal for approval of her appointment. However, the petitioner's appointment was not approved by the educational authorities. The petitioner was discharged from service on 30.04.2003. According to the appellant/petitioner, she was not paid any salary for the period from 08.06.1998 to 30.04.2003. The appellant/petitioner had further stated that she was discharged on the ground, that being a Graduate Teacher, she was appointed in the Secondary Grade Post without undergoing Child Psychology Training.

4.The learned counsel for the appellant/petitioner had contended that the appellant was appointed as a Graduate Teacher on 24.11.2003 by Tiruchirappalli -Thanjavur Diocese in C.S.I.Boys Higher Secondary School with effect from 28.11.2003. Her appointment was approved by the authorities with effect from 28.11.2003. The learned counsel had further contended that the Government of Tamil Nadu had passed G.O.Ms.No.155, School Education



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Department dated 03.10.2002 in order to regularise the services of Graduate Teachers who were appointed to the sanctioned post of Secondary Grade Teachers. As per the said Government Order, the Graduate Teachers were directed to undergo Child Psychology Training under their own expenses. Based upon the said training, their services were regularised. Therefore, according to the appellant/petitioner, she is entitled to the benefit of the said Government Order.

5. Only based upon the said Government Order, the appellant had made a representation to the fourth respondent for payment of salary for the period she worked as a Secondary Grade Teacher and to regularise her services in the said cadre. However, under the impugned order, the fourth respondent has rejected the said request on the ground that the appointment of the petitioner as a Secondary Grade Teacher was never approved by the educational authorities and she was discharged on 30.04.2003 on the ground that she was not qualified to be appointed as a Secondary Grade Teacher. This order was challenged before the writ Court.

6. The learned Single Judge of this Court after considering the rival submissions, has arrived at a finding that as per G.O.Ms.No.155, School



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Education Department dated 03.10.2002 and G.O.Ms.No.150, School Education (B1) Department dated 02.07.2007, the services of the Secondary Grade Teachers should be regularised only from the date of their obtaining Child Psychology Training. The petitioner having not undergone the said training, the question of regularisation of her services in the said cadre would not arise. On the basis of the above said findings, the writ petition has been dismissed. The said order is under challenge in the present writ appeal.

7.The learned counsel for the appellant/petitioner had contended that the petitioner has served as a Secondary Grade Teacher from 03.06.1998 to 30.04.2003 and she is eligible to the benefit of G.O.Ms.No.155, School Education Department dated 03.10.2002 and G.O.Ms.No.150 School Education (B1) Department dated 02.07.2007. If the benefit of the said G.Os are extended to the appellant, the appellant would be entitled to get her services regularised in the cadre of Secondary Grade Teacher and she would be entitled to the monetary benefits and regularisation of her service.

8.Per contra, the learned Special Government Pleader appearing for the respondents had contended that the appellant has never undergone the Child



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Psychology Training and hence, she is not entitled to invoke the benefit of the Government Orders cited by the appellant. Hence, he prayed for dismissal of the writ appeal.

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

10. The appellant, though is a Graduate Teacher, was appointed in the sanctioned Secondary Grade Teacher Post on 03.06.1998. She has not undergone the Child Psychology Training. Her initial appointment as Secondary Grade Teacher itself is invalid and the same was not approved by the educational authorities at any point of time.

11. In G.O.Ms.No.155, School Education Department dated 03.10.2002, the Government had taken a policy decision to approve the appointment of Graduate Teachers appointed in the sanctioned Secondary Grade Posts from the date of their completion of Child Psychology Training. Under G.O.Ms.No.150, School Education (B1) Department dated 02.07.2007, the said benefit has been extended to the teachers who were appointed between 1999 to 2001 also,



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subject to the condition laid down in G.O.Ms.No.155, School Education Department dated 03.10.2002.

12.A perusal of G.O.Ms.No.155, School Education Department dated 03.10.2002 would clearly indicate that the appointment of Graduate Teacher between 11.07.1995 to 19.05.1998 in the sanctioned Secondary Grade Post would be approved only from the date on which the teachers have completed the Child Psychology Training. Therefore, the said condition is also applicable for those teachers who were appointed between 1999 and 2011 as per G.O.Ms.No. 150, School Education (B1) Department dated 02.07.2007.

13.In the present case, the appellant has not completed the Child Psychology Training during her tenure between 03.06.1998 and 30.04.2003. Hence, the question of regularising her services for the said period in the cadre of Secondary Grade Teacher based upon the above said Government Order does not arise. The appellant is not eligible to get her services regularised either under G.O.Ms.No.155, School Education Department dated 03.10.2002 or under G.O.Ms.No.150 , School Education (B1) Department dated 02.07.2007.



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14. In view of the above said facts, the fourth respondent has rightly rejected the request of the appellant/petitioner on the ground that she has not fulfilled her eligible criteria for getting regularisation in the cadre of Secondary Grade Teacher. That apart, the question of regularisation would arise only if the basic qualification is fulfilled by the candidates. The learned Single Judge after careful consideration of the above said facts had chosen to dismiss the writ petition.

15. We do not find any infirmity or illegality in the order passed by the writ Court. The writ appeal stands dismissed. No costs.

(D.K.K.J.,)

(R.V.J.,)

22.12.2022

Index :yes
Internet :yes
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To

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School Education Department
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**D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR, J.**

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Pre-delivery Judgment made in
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