



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .No.17233 of 2015

S.Tamilarasi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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.

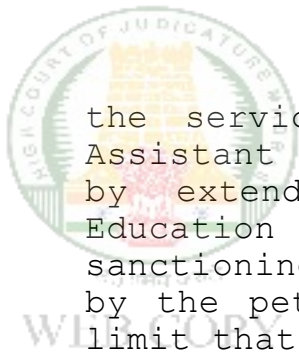
4.The District Elementary Educational Officer,
Thanjavur District, Thanjavur.

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

6.The Accountant General,
Pay and Accounts Office,
Nandanam,
Chennai - 600 032.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fourth respondent in connection with the impugned order of rejection passed by him in his proceedings in Na.Ka.No.766/A4/2014 dated 13.11.2014 and quash the same as illegal and arbitrary and consequently direct the first and second respondents to regularize



the service of the petitioner in the post of Secondary Grade Assistant rendered between the period from 08.06.1998 to 30.04.2003 by extending the benefits granted in G.O.Ms.No.150, School Education (B1) Department dated 02.07.2007 and count the period for sanctioning the retirement benefits along with the service rendered by the petitioner in the post of B.T. Assistant within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu
For R-1 to R-4 : Mr.V.Omprakash
Government Advocate(Civil Side)
For R-5 : Mr.D.Balamurugapandi
For R-6 : Mr.P.Gunasekaran

ORDER

The present Writ Petition has been filed to quash the impugned order dated 13.11.2014 with a consequential prayer to regularize the petitioner's service in the post of Secondary Grade Assistant from 08.06.1998 to 30.04.2003 by extending the benefits granted in G.O.Ms.No.150 School Education (B1) Department dated 02.07.2007 and count the period for sanctioning the retirement benefits along with the service rendered in B.T.Assistant Post.

2. The brief facts of the case are that the petitioner is qualified as B.Sc., B.Ed., and was appointed in the sanctioned post which fell vacant due to retirement of one Mrs.J.Helen in the fifth respondent School vide appointment order dated 03.06.1998. The petitioner joined the School on 08.06.1998. The School submitted a proposal for approval vide letter dated 23.06.1999. But, the fifth respondent discharged the petitioner from service with effect from 30.04.2003 by his relieving order dated 26.04.2003. The petitioner is a B.T. Assistant but appointed in a Secondary Grade post. Such appointments are regularized by issuing G.O.Ms.No.155 School Education Department dated 03.10.2002. The appointment would be considered after the said Teacher undergoes Child Psychology Training for a period of one month. The said G.O.Ms.No.155 would cover the period from 11.07.1995 to 19.05.1998. The issue was challenged before the High Court claiming to extend the period after 19.05.1998 and the Government issued G.O.Ms.No.150 School Education Department dated 02.07.2007 whereby, 22 persons were absorbed during the pendency of the Writ Appeal. Since the petitioner is appointed on 03.06.1998 and has joined the duty on 08.06.1998, she was neither covered under the G.O.Ms.No.155 nor under the G.O.Ms.No.150. Since the petitioner was not absorbed, the petitioner has filed this Writ Petition. Subsequently, the petitioner was appointed as Junior Grade B.Ed., Teacher by the



fifth respondent School and brought under time scale of pay from 13.11.2006 and the petitioner attained superannuation on 28.03.2012. The petitioner is claiming the benefit of G.O.Ms.No.150, since the same was not granted, the present Writ Petition has been filed.

WEB COPY 3. The respondents have filed a counter stating that the petitioner was appointed on 03.06.1998. The fifth respondent had submitted a proposal dated 23.06.1999. The same was returned for the reason that the petitioner had not completed the Child Psychology Training. Thereafter, the petitioner submitted a consent letter for undergo Child Psychology Training and thereafter the petitioner's appointment was approved. But the petitioner has not completed Child Psychology Training. The petitioner submitted a requisition letter dated 16.09.2000, but, she was directed to undergo Child Psychology Training. Since the petitioner has not undergone Child Psychology Training, finally she was discharged from service on 30.04.2003 by relieving order dated 26.04.2003. Thereafter, the petitioner was transferred and appointed as Junior Grade B.Ed., Teacher at Karur. On attaining superannuation, she was relieved from service. The petitioner was not conferred the benefits of G.O.Ms.No.150, because the petitioner has not completed Child Psychology Training. Thereafter, she was appointed at CSI Boys Higher Secondary School on 28.11.2003 with consolidated pay of Rs.4,000/-. The petitioner had been brought under regular establishment from 01.06.2006 in the time scale of pay and having qualifying service for six years and the said period was not sufficient for pension purpose and there is no Government Order giving the retirement benefits for the post of consolidated pay. The petitioner has not paid the retirement benefits, as she has not completed the qualifying service. The petitioner is having qualifying service from 2006 to 2012 which is only six years of service. Even if three years of consolidated pay is added to her appointment which is after 01.04.2003, therefore she will come under the Contributory Pension Scheme. Since the petitioner has not completed Child Psychology Training, her service prior to 2003 cannot be taken for qualifying service to grant pension. The petitioner filed the Writ Petition in W.P.(MD).No.153 of 2014 and this Court directed the respondents to consider the case of the petitioner in the light of G.O.Ms.No.150. Based on the order of this Court, the present impugned order came to be passed after considering the service records of the petitioner.

4. Heard Mr.G.Thalaimutharasu, learned counsel for the petitioner and Mr.V.Omprakash, learned Government Advocate(Civil Side) for respondents 1 to 4. Mr.D.Balamurugapandi, learned counsel for the fifth respondent and Mr.P.Gunasekaran, learned counsel for the sixth respondent.

5. It is seen from the records that the petitioner is having B.Sc., B.Ed., qualification, but, appointed in the Secondary Grade



post from 08.06.1998 onwards. When the School submitted a proposal for approval, the respondents have directed the petitioner to complete one month Child Psychology Training and thereafter only, the petitioner appointment would be approved. But the petitioner has not undergone Child Psychology Training at all. Therefore, the petitioner was not absorbed in the said post. Thereafter, the petitioner was taken into consolidated service by the CSI Boys High School from 28.11.2003. From 01.06.2006 onwards, the petitioner was absorbed in the regular establishment with regular time scale of pay. The claim of the petitioner is to regularize the period from 08.06.1998 to 30.04.2003. As per G.O.Ms.No.155 and G.O.Ms.No.150, any teacher who are appointed with higher qualification to the Secondary Grade post shall be absorbed in the regular time scale of pay only if the teacher completes the Child Psychology Training. The appointment of approval would be granted from the date of completion of Child Psychology Training. In the present case, the writ petitioner has not completed Child Psychology Training. Therefore, the appointment of the writ petitioner was not absorbed at all. In such circumstances, the said service cannot be regularized as per G.O.Ms.No.155 and 150. If the petitioner has completed Child Psychology Training, the said period can be considered for calculating the pensionable service. Since, in this case, the petitioner has not completed Child Psychology Training, the said period cannot for considered for calculating the pensionable service. Therefore, this Court is of the considered opinion that there are no merits in this case.

6. Hence the Writ Petition is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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 Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of School Education,
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3.The District Elementary Educational Officer,
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Karur.

4.The District Elementary Educational Officer,
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Thanjavur.

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

6.The Accountant General,
Pay and Accounts Office,
Nandanam,
Chennai - 600 032.

+1 CC to M/s.SPL GP (SR-12211[F] dated 15/03/2022)

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12309[F] dated
15/03/2022)

**W.P. (MD) .No.17233 of 2015
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NSN(CO)
KP(04.04.2022) 5P 9C