



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.16208 of 2018

P.Chanthirakala

... Petitioner

vs.

1.The District Elementary Educational Officer,
Now District Educational Officer,
Tenkasi,
Tirunelveli District.

2.The Additional Assistant Elementary
Educational Officer,
Now Block Educational Officer,
Keelapavur,
Tirunelveli District.

3.The Secretary,
Kamaraj Memorial Hindu Middle School,
Venaitheerthanadarpatty, Keelapavur.
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to approve the appointment of the petitioner with effect from 02.06.2003 and to count the service of the petitioner from 01.10.1997 to 02.06.2003 for pension benefits and confer all the consequential benefits to the petitioner.

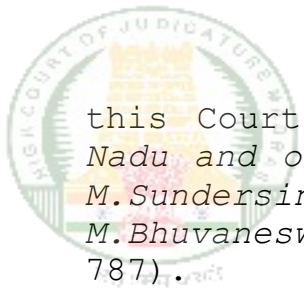
For Petitioner	: Mr.V.Panneer Selvam
For R1 & R2	: Mr.A.K.Manikkam
	Special Government Pleader

O R D E R

Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for R1 and R2. Notice does not appear to have been issued to R3 and hence R3 is un-represented.

2. The petitioner seeks Mandamus directing the respondents to approve her appointment with effect from 02.06.2003 and count her service for the period 01.10.1997 to 02.06.2003 for pensionary benefits.

3. Learned counsel would agree on the position, prima facie that the issue that arises in this matter has been considered by



this Court in a series of decisions including the *State of Tamil Nadu and others vs. Pallivasal Primary School* (2004 (2) L.W. 591), *M.Sundersingh vs. Government of Tamil Nadu* ((2006) 2 MLJ 784) and *M.Bhuvaneswari and another vs. State of Tamil Nadu* (2006 (2) MLJ 787).

WEB COPY

4. A month's training in Psychology was provided for under G.O. (Ms.).No.155, School Education Department, dated 03.10.2022. Admittedly, the petitioner herein was sent for training only between 25.05.2005 and 24.06.2005. As a result, the approval in her case was issued with effect from 25.06.2005, whereas the petitioner would submit that it ought to have dated back to 02.06.2003 itself, being the date when assumed office.

5. The defence of the first respondent is that R3 had not referred the name of the petitioner for the training and hence, the official respondents must not be blamed. In the absence of notice to R3, I am unable to ascertain if and whether, the aforesaid submission is correct.

6. Be that as it may, the petitioner cannot be denied the benefit of the Government Order as well as the training that she has admittedly undergone. The respondents, in common, that is the official authority as well as school management are to ensure the timely deputation of the petitioner for the training and cannot pass the buck one to the other, in denying the benefit to the petitioner.

7. As rightly pointed out, the records of the teaching staff are available not just with the respective School, but with the official respondents as well and thus, it is incumbent upon them, as a whole, to ensure that the faculty is referred to training promptly and without delay.

8. In this view of the matter, the Mandamus as sought for is issued and the respondents are directed to pass an order approving the appointment of the petitioner with effect from 02.06.2003, such that, her service for the period 01.10.1997 to 02.06.2003 be counted for pensionary benefits. Let this exercise be done within a period of six weeks from today.

9. This Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

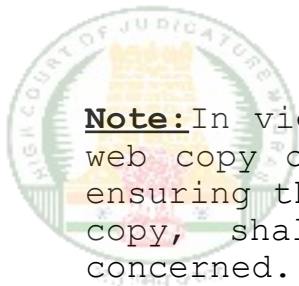
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To

1.The District Elementary Educational Officer,
Now District Educational Officer,
Tenkasi,
Tirunelveli District.

2.The Additional Assistant Elementary
Educational Officer,
Now Block Educational Officer,
Keelapavur,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-2576[F] dated 27/01/2022)

W.P. (MD) No.16208 of 2018

24.01.2022

PS (CO)

GC (03.02.2022) 3P 4C