



**W.P.(MD) No.24712 of 2018**

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

**DATED : 25.07.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**W.P.(MD) No.24712 of 2018**

**A.Arulchander**

**... Petitioner**

**Vs.**

- 1.The Government of Tamilnadu  
Rep. by its Secretary,  
Finance (PGC) Department,  
Fort St. George, Chennai - 9.
- 2.The Government of Tamilnadu  
Rep. by its Secretary,  
School Educational Department,  
Fort St. George, Chennai - 9.
- 3.The Director of Elementary Education,  
College Road, Chennai -6.
- 4.The Chief Educational Officer,  
Tirunelveli, Tirunelveli District.
- 5.The District Elementary Educational Officer  
(Now District Education Officer),  
Tirunelveli District.
- 6.The Assistant Elementary Education Officer  
(Now Block Education Officer), Vasudevanallur Range,  
Tirunelveli District.



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7.The Secretary,  
Dharugapuram Elementary School,  
Vasudevanallur Range, Tirunelveli District.

8.The Secretary,  
AMC Primary School,  
Nelakattumselva,  
Pacheri, Sivagiri Taluk,  
Tirunelveli District.

... Respondents

**PRAYER**: Writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to regularise the service of the petitioner as Secondary Grade Teacher from the date of his initial appointment that is on 03.03.2003 to 22.12.2007 as per G.O.Ms.No.122, dated 02.08.2005 and to sanction and pay all monetary benefits from 03.03.2003 by considering the representation dated 18.07.2018 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.C.Herold Singh

For Respondents : Mr.S.Shaji Bino for R1 to R6  
Special Government Pleader

No Appearance for R7 & R8.



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## **ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 6.

2.The petitioner herein was appointed as a Secondary Grade Teacher in the 6<sup>th</sup> respondent's School as per G.O.Ms.No.301, School Education (B1) Department, dated 15.10.1999, as there was no sufficient qualified Teachers, who belonged to Scheduled Caste/Scheduled Tribe candidates.

3.The petitioner was required to undergo Child Psychology Training for one month at the concerned Institution of District Education and Training Centre. The respondents herein had belatedly sent the petitioner to undergo the Child Psychology Training in the year 2007 only and accordingly, the petitioner has completed such training on 22.12.2007. When the approval was sought for for the appointment of the petitioner, the fourth respondent through his impugned proceedings, dated 01.02.2008, has approved the petitioner's appointment from 22.12.2007 i.e., with effect from the date on which he has completed the Child Psychology Training. The petitioner now seeking a



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direction to the respondents to approve his appointment with effect from the date of his initial appointment, i.e., from 03.03.2003.

4.The issue involved in the present writ petition as to whether the petitioner is entitled to seek for approval of his appointment from the date of his original appointment has been dealt with in various decisions of this Court. In one such decision, in the case of ***Varadharajan Vs. Director of School Education and others***, passed in W.P.(MD)No.9072 of 2005, dated 19.12.2007, the learned Single Judge of this Court has held that the approval of appointment be granted with effect from the date of initial appointment and not from the date on which the concerned Teacher had completed the Child Psychology Training. This decision in the writ petition came to be confirmed by the Honourable Division Bench of this Court in Writ Appeal in W.A. (MD).No.SR11055 of 2009, dated 01.10.2009, as well as by the Honourable Supreme Court in SLP (Civil) No.0250012 and 012151 of 2012, dated 28.07.2012. In view of the decisions referred to above the respondents may not be justified in claiming that the petitioner's appointment can be approved only from the date of completion of the Child Psychology training.



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5. Accordingly, there shall be a direction to the fourth respondent herein to pass appropriate orders approving the petitioner's appointment from the date of his initial appointment i.e., from 03.03.2003 and consequently, sanction all the monetary benefits. Such order of approval shall be made within a period of six weeks from the date of receipt of a copy of this order.

6. This writ petition stands allowed. No costs.

**25.07.2022**

Index : Yes / No  
Speaking Order/ Non Speaking Order

TM

To

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**M.S.RAMESH,J.**

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