



W.P.Nos.11154, 11155, 11156
and 11157 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.03.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. Nos.11154, 11155,
11156 and 11157 of 2015**

W.P.No.11154 of 2015:

M.Jaffar Ali, B.Sc., B.Ed.,
Secondary Grade Teacher
Mohamediam Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram District.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by its Secretary
Education Department
Secretariat, Chennai – 9.

2.The Joint Director of School Education
(Secondary Education)
College Road, Chennai -6.

3.The Chief Educational Officer
Ramanathapuram Dt.

4.The District Educational Officer
Ramanathapuram Dt.

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5.The Correspondent
Mohamediam Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram Dt.

... Respondents

Prayer in W.P.No.11154 of 2015: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned proceedings passed by the 2nd respondent vide O.Mu.No.66232/D2/E2/2013 dated 13.09.2013 and quash the same and direct the respondents to approve the appointment of the petitioner w.e.f 16.03.1998, as Secondary Grade Teacher with all consequential benefits.

W.P.No.11155 of 2015:

J.Johnson Samuvel, B.Sc., B.Ed.,
Secondary Grade Teacher
Mohamediam Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram District.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by its Secretary
Education Department
Secretariat, Chennai – 9.



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2.The Joint Director of School Education
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3.The Chief Educational Officer
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4.The District Educational Officer
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5.The Correspondent
Mohamediam Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram Dt.

... Respondents

Prayer in W.P.No.11155 of 2015: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned proceedings passed by the 2nd respondent vide O.Mu.No.76073/D2/E2/2013 dated 11.10.2013 and quash the same and direct the respondents to approve the appointment of the petitioner w.e.f 16.03.1998, as Secondary Grade Teacher with all consequential benefits.

W.P.No.11156 of 2015:

M.A.Safiullah, B.Sc., B.Ed.,
Secondary Grade Teacher
Mohamediam Higher Secondary School
Chittarkottai – 623 513.



W.P.Nos.11154, 11155, 11156
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Ramanathapuram District.

... Petitioner

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Vs.

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College Road, Chennai -6.

3.The Chief Educational Officer
Ramanathapuram Dt.

4.The District Educational Officer
Ramanathapuram Dt.

5.The Correspondent
Mohamedia Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram Dt.

... Respondents

Prayer in W.P.No.11156 of 2015: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned proceedings passed by the 2nd respondent vide O.Mu.No.76072/D2/E2/2013 dated 11.10.2013 and quash the same and direct the respondents to approve the appointment of the petitioner w.e.f 16.03.1998, as Secondary Grade Teacher with all consequential benefits.



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WEB COPY W.P.No.11157 of 2015:

K.Faritha Banu, B.Sc., B.Ed.,
Secondary Grade Teacher
Mohamedmedia Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram District.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by its Secretary
Education Department
Secretariat, Chennai – 9.

2.The Joint Director of School Education
(Secondary Education)
College Road, Chennai -6.

3.The Chief Educational Officer
Ramanathapuram Dt.

4.The District Educational Officer
Ramanathapuram Dt.

5.The Correspondent
Mohamedmedia Higher Secondary School
Chittarkottai – 623 513.
Ramanathapuram Dt.

... Respondents

Prayer in W.P.No.11157 of 2015: Writ Petition is filed under Article 226
of the Constitution of India for issuance of a Writ of Certiorarified



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Mandamus, to call for the entire records connected with the impugned proceedings passed by the 2nd respondent vide O.Mu.No.66235/D2/E2/2013 dated 11.10.2013 and quash the same and direct the respondents to approve the appointment of the petitioner w.e.f 16.03.1998, as Secondary Grade Teacher with all consequential benefits.

In all the Writ Petitions:-

For Petitioners : Mr.S.N.Ravichandran
For Respondents : Mr.R.Neelakandan, AAG
assisted by
Mrs.S.Mythreye Chandru, SGP
for RR1 to 4

COMMON ORDER

These Writ Petitions have been filed challenging the impugned proceedings passed by the 2nd respondent, whereby the petitioners appointment to the post of Secondary Grade Teacher, with effect from their initial date of appointment was rejected.

2.The petitioners herein were appointed as a Secondary Grade Teacher in the 5th respondent's School in the sanctioned post. To approve the appointment of the petitioner, 5th



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respondent submitted the proposal to the 4th respondent, along with necessary documents. However, the proposal was returned by the 4th respondent, on the ground that appointment of highly qualified person in the Secondary Grade Post, is contrary to the G.O.Ms.No.394 dated 12.09.1997. Challenging the said G.O., a batch of writ petitions filed before this Court and the same was dismissed by a common order dated 19.05.1998. As against which, appeal was preferred in W.A.Nos.991 to 998 of 1998 and the same was disposed of by an order dated 29.06.2001, holding that the appointment of the persons from 11.07.1995 to 19.05.1998, shall be approved, on condition that they should undergo one month child psychology training. Accordingly, the government issued G.O.Ms.No.155 dated 03.10.2002 and pursuant to the said G.O., the petitioners herein completed their training from 02.05.2003 to 31.05.2003 and on completion of said training, petitioners appointment was approved with effect from 02.06.2003 by the department. The petitioners now seeking a direction to the respondents 1 to 4 to approve their appointment with effect from the date of their respective initial appointment.



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3. Heard the learned counsel for the petitioners and the learned Additional Advocate General appearing for the respondents 1 to 4.

4. The issue involved in the present writ petitions, as to whether the petitioners are entitled to seek for approval of their appointment from the date of their 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***.



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5.Further, the learned Additional Advocate General appearing for the respondents 1 to 4 would point out that though the orders passed in W.P.(MD).No.9072 of 2005 dated 19.12.2007 has been implemented by the respondent – Department, it is made clear that the order shall not be taken as a precedent to any other matter.

6.Admittedly, the 4th respondent ought to have approved the appointment of the petitioners from the date of their initial appointment irrespective of the fact that they underwent child psychology training during May 2003. Relying upon the order passed in W.P.No.9072 of 2005, dated 19.12.2007, the learned counsel for the petitioners submitted that in similar circumstances, this Court directed the authorities to regularise the services of the petitioner therein from the date of his appointment and also declared to be entitled to all consequential benefits.

7.The aforesaid decision rendered by the learned Single Judge of this Court in the aforesaid writ petition, confirmed by the Hon'ble First Bench of the Madurai Bench of Madras High Court, is squarely applicable to the case



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of the petitioners herein also.

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8. Accordingly, the order impugned in these writ petitions are set aside and the writ petitions stand allowed with a direction to the 4th respondent to pass appropriate orders, approving the petitioners appointment from the date of their initial appointment with all consequential benefits to them. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

01.03.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
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