



W.P.No.11911 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11911 of 2021

and

W.M.P.Nos.12661 & 12662 of 2021

R.Prasannadevi

... Petitioner

Vs.

1. Director of School Education,
College Road, Chennai – 6.

2. The Chief Educational Officer,
South Zone,
Egmore, Chennai – 600 008.

3. District Educational Officer,
Chennai (East),
Triplicane, Chennai – 600 005.

4. Vallal S.I.Alagarsamy Chettiar
Higher Secondary School,
Rep. by its Secretary,
2 & 3, Adham Shahib Street,
Royapuram, Chennai – 13.

5. Head Master,
Vallal S.I.Alagarsamy Chettiar
Higher Secondary School,
2 & 3, Adham Shahib Street,
Royapuram, Chennai – 13.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 3rd respondent dated 29.04.2021 in Na.Ka.No.3309/A2/2020 and the consequent communication of the 4th respondent dated 30.04.2021 and quash the same and consequently, direct the respondents to pay the annual increment and other benefits to the petitioner.

For Petitioner	: Mr.L.Chandrakumar for M/s.C.S.Associates
For R1 to R3	: Mr.R.U.Dinesh Rajkumar Additional Government Pleader
For R4 & R5	: Ms.Dakshayani Reddy Senior Counsel for M/s.Suneetha *****

ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent dated 29.04.2021 in Na.Ka.No.3309/A2/2020 and the consequent communication issued by the fourth respondent dated 30.04.2021 and for a direction to the respondents to pay the annual increments and other benefits to the petitioner.



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2.The case of the petitioner is that she was originally working as a management staff with the fourth respondent School on a temporary basis. She possessed B.Lit., M.A. (Tamil) and B.Ed., (Tamil) qualifications. A vacancy arose in the fourth respondent School and the petitioner applied for the same and she was appointed as a Tamil Pandit on 08.09.2010. The fourth respondent School forwarded the papers for approval before the third respondent and the third respondent had approved the appointment of the petitioner on 04.04.2012.

3.One post of P.G.Assistant (Tamil) fell vacant due to the retirement of the incumbent on 30.03.2014. The petitioner applied for promotion to the said post. The petitioner was called for an interview and thereafter, the petitioner was not selected.

4.The petitioner therefore filed a writ petition before this Court in W.P.No.519 of 2015 challenging the call letter given by the fourth respondent School asking her to attend the interview and for a direction to promote her to the post of P.G.Assistant. This writ petition was disposed of by an order dated 18.02.2015 and this Court directed the



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fourth respondent School to consider the claim made by the petitioner for promotion to the post of P.G.Assistant (Tamil) and also fixed a time limit for the completion of this process.

5.It is stated in the affidavit filed in support of the writ petition that the fourth respondent filed a review application in Rev.Appl.No.65 of 2015 and this review application was dismissed as withdrawn on 19.12.2019.

6.The fourth respondent passed an order on 20.03.2017 informing the petitioner that the petitioner must produce the Teachers Eligibility Test (TET) qualification certificate, failing which, she will be relieved from the post.

7.A batch of writ petitions were filed challenging the insistence of clearing TET and those writ petitions were disposed of by this Court by directing the Government to consider and take a decision. When this process was going on, the fourth respondent through communication dated 30.04.2021 informed the petitioner that the order pertaining to the



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sanction of increment, stands cancelled by virtue of the impugned proceedings of the third respondent dated 29.04.2021. The petitioner was called upon to submit explanation and also to submit the relevant certificates. Aggrieved by the same, the present writ petition has been filed before this Court.

8.The third respondent has filed a counter affidavit in this case and relevant portions in the counter affidavit are extracted hereunder :

“10. I submit that as per G.O.No.107 dated 18.08.2009, the petitioner hasn't complied with the essential requirement of completing the S.S.L.C, H.S.C and 3 years Under Graduate course in 10+2+3 pattern. But the Petitioner herein had completed the S.S.L.C in the year 1994 and B.Lit in 2003, M.A on 2005, B.Ed 2008 and Diploma in Tamil Pandit on 2008 and it is clearly evident that the Petitioner hasn't studied the Higher Secondary course (+2) and instead, the Petitioner had studied B.Lit directly after SSLC and subsequently completed the M.A, B.ed and Diploma in Tamil Pandit and the Petitioner's appointment itself is in question according to rules in force and hence not eligible for



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the benefits which she had claimed thereon.

11. I submit that as per G.O.No.107 the petitioner is not eligible for the appointment for the post of Tamil Pandit in the 4th Respondent School. In spite of the same, the 3rd respondent had issued notice via Na.Ka.No.3309/A2/2020 dated 29.04.2021 to the 4th respondent seeking clear explanation, how the petitioner was appointed and till date the 4th respondent hasn't replied.”

9.Heard Mr.L.Chandrakumar, learned counsel for the petitioner, Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and Ms.Dakshayani Reddy, learned Senior Counsel appearing for the fourth respondent.

10.When the matter came up for hearing on 01.02.2023, this Court heard the arguments addressed on either side. One important issue that was put against the petitioner was that the petitioner did not complete her under graduation in 10+2+3 pattern. When this was pointed out to the learned counsel for the petitioner, he sought for some time in order to ascertain from the petitioner as to whether she is willing to give



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up all her claims and to continue in the fourth respondent School till her retirement. Accordingly, the matter was adjourned and it was posted for hearing today.

11.The learned counsel for the petitioner filed the undertaking affidavit of the petitioner and relevant portions in the affidavit are extracted hereunder :

“3. I humbly submit that while being so, now after lapse of 11 years, I was served with an impugned Order passed by the 3rd respondent, vide proceedings dated 29.04.2021 whereby I was called for to satisfy the genuineness of my certificates and to produce all the Original Certificates. The said Impugned Order passed by the 3rd and 4th respondents is put under challenge in the present Writ Petition. It is respectfully submitted that all my Original Certificate are with the Management. The above Writ Petition came up for hearing on 01.02.2023 it has been substantially placed before this Hon'ble Court, that I have been duly given appointment, surly on verifying my certificates and on being approved by the authorities that I am a candidate who is fully eligible to be appointed in the



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post concern. On the basis of and with reference to guidelines and statutory requirement in force at that relevant point of time, but taking into account the subsequent principles laid down, a suspicion is said to have arisen about my possession of qualification, hence in order to quieter and to safeguard the accrued right which were actually conferred upon by application of mind. I am filing this affidavit. In such circumstances I further undertake before this Hon'ble Court that I will not claim any further promotion, to the post of PG Assistant and will work in the same post of Tamil Pandit / BT Assistant with increments. Therefore I make a humble request to approved me in the same post with all service benefits which I am entitled to in the present post of Tamil Pandit/BT Assistant. ”

12.It is clear from the above that the petitioner has undertaken before this Court that she will not make any further claim for promotion to the post of P.G.Assistant and that she will work in the same post of Tamil Pandit. In view of the same, this Court wants to give a quietus to the entire dispute.



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13.The petitioner has joined the fourth respondent School in the year 2010 as Tamil Pandit and her appointment has also been approved by the third respondent in the year 2012. Hence, it is not necessary to disturb this position. The petitioner has given an undertaking that she will not claim for any promotion since the petitioner is having a problem with regard to the completion of the under graduation without following the 10+2+3 pattern. Hence, the petitioner can continue in the very same status till her retirement. Going by the undertaking given by the petitioner, this Court expects the petitioner to maintain a peaceful atmosphere in the fourth respondent School without making any further claims and render her services till her retirement.

14.The order passed in this writ petition cannot be taken as a precedent in any other case, since the order was passed, taking into consideration the peculiar facts of the present case. That apart, at the risk of repetition, it is made clear that this order was passed only based on the undertaking that was given by the petitioner by way of filing an undertaking affidavit before this Court.



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15.In the result, this Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case: Yes/No
sp

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