



W.P.No.44193 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.44193 of 2016

S.Murugesan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Education Department,
Secretariat, Chennai - 9.
- 2.The Director of Elementary Education,
College Road, Chennai - 6.
- 3.The Chief Educational Officer,
Nagapattinam, Nagapattinam District.
- 4.The District Elementary Educational Officer,
Nagapattinam.
- 5.The Correspondent,
Vasanthala Aided Middle School,
Pannaikaran Kottagam,
Srikazhi Taluk,
Nagapattinam District - 609 115.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for entire records connected with the impugned order passed by the second respondent vide Na.Ka.No.32131/G2/2015 dated 31.03.2016 and quash the same and direct the respondents to approve the appointment of the petitioner with effect from 01.01.1998, as Secondary Grade Teacher with all consequential benefits and pay the scale of pay from 02.01.1998 to 15.11.2000 in the light of the order passed by the Hon'ble Court in W.P.(MD)No.9072 of 2005 dated 19.12.2007.

For Petitioner : Mr. N.Ravichandran

For Respondents : Mr. M.S.Prem Kumar
Government Advocate

ORDER

The petitioner seeks issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent in Na.Ka.No.32131/G2/2015 dated 31.03.2016 and to direct the respondents to approve the appointment of the petitioner with effect from 01.01.1998 as Secondary Grade Teacher together with all consequential benefits and also pay the scale of pay from 02.01.1998 to 15.11.2000.



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2. At the outset, the issue that has been raised in the present writ petition has been subject matter of debate before this Court not only in the writ petition but also the writ appeal proceedings and the issue has been decided consistently and therefore, no longer *res integra*. In W.A(MD).Nos.231 of 2006 dated 17.08.2006, a Judgement rendered by the Hon'ble Madurai Bench of this Court and in W.A.No.956 of 2018 dated 04.07.2018, it has been consistently held that delay in undergoing Child Psychology Training cannot be put against the concerned Secondary Grade Teacher (SGT) and the appointment should be given effect from the initial date of appointment onwards.

3. The other contentions raised by the Government by way of counter affidavit also is that G.O.Ms.No.122, Adi Dravidar and Tribal Welfare (ADW7) Department dated 02.08.2005 would not apply to aided Schools and therefore, the petitioner cannot seek to draw reference to the said Government Order and seeking relief from this Court. This issue has also been decided by this Court in W.P.No.7122 of 2009 dated 17.06.2010 and this Court has categorically held that the Government Order applies to aided Schools also.



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4. Under these circumstances, the writ petition deserves to be entertained and allowed. The fact that the petitioner has also underwent Child Psychology Training, which is not in dispute. The necessary certificates complying the requirements of the Government is also produced by the petitioner. The further reason is that the Government Order would not apply to aided Schools cannot be a justifiable ground to deny the benefits to the writ petitioner.

5. Therefore, the Writ Petition is allowed as prayed for and the respondents are directed to approve the appointment of the petitioner with effect from the date of his initial appointment namely 01.01.1998 as Secondary Grade Teacher and pay all his consequential benefits in accordance with law.

6. This exercise shall be carried out/completed by the respondents, within a period of four weeks from the date of receipt of a copy of this order. No costs.

15.06.2023

Index : Yes / No
Internet : Yes / No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes / No
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To



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P.B.BALAJI, J.

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