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W.A.Nos.3125, 3167 and 3173 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HON'BLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.3125, 3167 and 3173 of 2019

and

C.M.P.Nos.19838, 20007, 20008, 20042 and 20043 of 2019

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

2.The Director of Elementary Education
College Road
Chennai – 6.

3.The District Elementary Educational Officer
Vellore District
Vellore.

4.The Assistant Elementary Educational Officer
Vellore District
Vellore.

... Appellants in all
the Writ Appeals.

Vs.

Daisy Ragini (Died)

1.M.Soosairaj



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H/o Late Daisy Ragini

2.Christy Maria Doss

S/o Late Daisy Ragini

(RR1 and 2 substituted in the place of Daisy Ragini (died) vide order of this Court dated 24.03.2023)

... Respondents
in W.A.No.3125 of 2019

K.Anandhi

... Respondent
in W.A.No.3167 of 2019

N.Amutha

... Respondent
in W.A.No.3173 of 2019

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent against the order dated 18.01.2018 made in W.P.Nos.2018 to 2020 of 2012.

In all the Writ Appeals:-

For Appellant : Mr.R.Neelakandan,
Additional Advocate General
assisted by
Mrs.S.Anitha
Special Government Pleader

For Respondents : Mr.S.N.Ravichandran

COMMON JUDGMENT

These three Writ Appeals arise out of the common order of the learned Single Judge dated 18.01.2018 made in W.P.Nos.2018 to 2020 of 2012, in and by which, the Writ Petitions filed by three Higher Grade Teachers, for a Writ of Mandamus, to upgrade their service as Secondary Grade Teacher, with effect



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from 13.02.1989, 14.02.1989 and 15.02.1989 respectively with all consequential benefits, with an exemption to get SCERT certificate was allowed by the learned Single Judge.

2.Heard, Mr.R.Neelakandan, learned Additional Advocate General, appearing for the appellants and Mr.S.N.Ravichandran, learned counsel appearing on behalf of the respondents.

3.The learned Additional Advocate General would submit that it is true that the Government has framed a scheme, to absorb all the Higher Grade Teachers as Secondary Grade Teachers. However, as per the G.O.Ms.No.347 dated 15.09.1998 as well as G.O.(D).No.172 dated 31.10.2002, possession of SCERT certificate is mandatory.

4.As a matter of fact, even the Government permitted private study of all these petitioners, to acquire SCERT certificate. When they had failed to acquire the necessary qualification, they cannot be absorbed as Secondary Grade Teachers by granting exemption. Therefore, he would submit that the learned Single Judge erred in allowing their petitions.



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5.Opposing the said submissions, Mr.S.N.Ravichandran, learned counsel appearing for the respondents would submit that in these cases, it is not as if the petitioners do not have any teaching diploma at all. They have undergone two years Montessori Teaching Diploma, which includes the relevant subjects also. As a matter of fact, by referring to G.O.Ms.No.201, School Education Department dated 23.11.2001, the earlier Writ Petition was allowed in W.P.No.32592 of 2014 in respect of another candidate, which order has been implemented by the Government. The said candidate is similarly placed person as that of the petitioners.

6.Considering the fact that they are possessing the qualification, even though they did not exactly possess the SCERT certificate, this Court directed to grant relaxation and absorption also. Therefore, considering the earlier orders passed in similar cases and also considering the fact that the petitioners have undergone two years training in the Montessori Teaching Diploma and even going through the contents of the said training, the learned Single Judge has allowed the Writ Petitions. Out of the 3 petitioners, one has already retired from service, one has passed away and the remaining person is still working.



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Therefore, in respect of the consequential benefits, it has to be granted to all the writ petitioners.

7.We have considered the rival submissions and perused the material records of the case.

8.Admittedly, by the orders of the Government dated 25.04.1979, the post of the Higher Grade Teacher has been disbanded and all the existing incumbents were directed to be absorbed as Secondary Grade Teachers, provided they had the SCERT Certificate. This apart, certain candidates had also got their Kinder Garden Certificate / Nursery Training Certificate / Montessori Training Certificate and even in such cases, as per G.O.Ms.No.201, School Education Department, dated 23.11.2001 has been passed, to ratify with such qualification by relaxing the other condition of having SCERT Certificate. After considering the said orders in respect of similarly situated persons, earlier order has also been passed in W.P.No.32592 of 2014 dated 07.10.2016 which has also been implemented by the appellants by passing G.O.(2D) No.2 dated 22.01.2018. In yet another case W.P.No.33806 of 2006 dated, 06.01.2010, Government has passed the G.O.Ms.No.103 dated



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24.05.2017, complying with the said orders.

9.It is also represented that the petitioners are the last left over persons, to be absorbed as Secondary Grade Teacher. In that view of the matter, when already the benefit of relaxation has been granted to the similarly situated persons, especially when the petitioners have undergone two years training, we do not think that this is the case for interference and Writ Appeals are liable to be dismissed.

10.Accordingly, Writ Appeals are dismissed, by confirming the order of the learned Single Judge passed in W.P.Nos.2018 to 2020 of 2012 dated 18.01.2018. For all the petitioners, appropriate consequential benefits shall be conferred within a period of two months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petitions are closed.

J.,)

(J.N.B,J.,)

(D.B.C,

14.06.2023

Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

Neutral citation : Yes / No



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