



W.P.(MD)No.15069 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.15069 of 2020

W.M.P(MD).Nos.12712 of 2020 and 3578 of 2021

G.Isaiselvi

... Petitioner

Vs.

1.The Director,
Teacher Education, Research and Training,
Chennai-600 006.

2.The Commissioner,
Adi Dravidar Welfare Department,
Chennai-600 005.

3.The District Adi Dravidar Welfare Officer,
Tirunelveli.

4.The Special Tahsildar,
Adi Dravidar Welfare Department,
Tirunelveli.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in Na.Ka.No. 1R3/56960/2000 dated 29.08.2020 and quash the same and consequently



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direct the respondents to release the yearly increments and all other monetary benefits.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records pertaining to the order passed by the second respondent in Na.Ka.No. 1R3/56960/2000 dated 29.08.2020, quash the same and direct the respondents to release the yearly increments and all other monetary benefits.

2. The case of the petitioner is that the petitioner has completed 10th and 12th Standards in the State of Tamil Nadu and she acquired Diploma in Education in the year 1985 in the State of Maharashtra. Thereafter, she settled at her native place in Tirunelveli District and registered her name in Tirunelveli District Employment Exchange. Based on the said qualification, she was appointed as Secondary Grade Teacher



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in the respondent Adi Dravidar Welfare School on 20.10.1999 and she is continuing in the said post till today. Her service was regularized by order, dated 14.06.2001 and she was granted first increment on 01.10.2000. Thereafter, she was not granted any increment and other Pay Commission benefits. She has completed 21 years of service and is aged about 56 years. She is going to reach superannuation within a short period of two years. Since she studied Diploma in Education in the State of Maharashtra, the said Certificate has to be evaluated. From the date of her appointment, the evaluation process is going on by two decades. Now, after a period of 21 years, the second respondent has issued the impugned show cause notice, dated 29.08.2020 to the petitioner to give explanation as to why she shall not be removed from service. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Secondary Grade Teacher in the respondent Adi Dravidar Welfare School based on the educational qualification obtained by her in the State of Maharashtra. However, till



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date, the Certificate obtained by the petitioner in the State of Maharashtra has not been evaluated by the State Government. There is no mechanism available for evaluation of the Certificate issued by the Maharashtra. The petitioner has rendered 21 years of service and is going to reach superannuation within a short period. At this point of time, issuing a show cause notice for evaluation of the Certificate obtained by the petitioner in the State of Maharashtra, is not sustainable one.

4. The learned Additional Government Pleader appearing for the respondents would submit that the Government of Tamil Nadu have prescribed certain norms in respect of evaluation of Secondary Grade Teacher Training Certificate of other States in G.O.(Ms).No.1236, School Education Department, dated 17.09.1984. The Teacher Training Certificate of the petitioner obtained from the State of Maharashtra was duly perused by the first respondent as per the said Government Order and it was found that the petitioner has secured below 50% in each subject in Maharashtra State Teacher Training Course and has not studied Tamil as the first language in the Teacher Training Course. Hence, the



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Teacher Training Certificate of the petitioner could not be evaluated on par with that of the Tamil Nadu Teacher Training Certificate. Hence, the impugned show cause notice has been issued by the second respondent as to why the petitioner shall not be removed from service.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Secondary Grade Teacher in the year 1999, based on the Education Certificate obtained by her in the State of Maharashtra. However, till date, the Educational Certificate obtained by her in the State of Maharashtra has not been evaluated by the State Government. After a lapse of two decades, the present impugned show cause notice has been issued. However, in a catena of judgments, this Court has repeatedly held that the show cause notice cannot be interfered with at threshold.



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7. Hence, this Court, without interfering with the impugned show cause notice issued by the second respondent, grants liberty to the petitioner to give suitable explanation to the second respondent within a period of four weeks from the date of receipt of a copy of this order. If any such explanation is made by the petitioner, the second respondent is directed to consider the past service rendered by the petitioner and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

8. Accordingly, this Writ Petition is disposed of. No costs. Connected miscellaneous petitions are closed.

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NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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