



W.P.No.12688 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12688 of 2012

Mrs.C.Bhackya,
Higher Grade Teacher
Panchayat Union Primary School
Hosur, Thalavadi Panchayat Union
Sathyamangalam Taluk
Erode District.

... Petitioner

-VS-

- 1.The Government of Tamilnadu,
Represented by Secretary to Government
School Education Department,
Fort St. George, Chennai 600 009.
- 2.The Director of Teacher Education
Research & Training
College Road, Chennai 600 006.
- 3.The Director of Elementary Education
College Road, Chennai 600 006.
- 4.The District Elementary Educational Officer
Erode District, Erode.



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5.The Assistant Elementary Educational Officer
Thalavadi Panchayat Union, Thalavadi
Erode District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent issued in MM No.005929/A3/2011 dated 27.07.2011 and quash the same and issue a consequential direction to the respondent to consider the petitioner as possessing SSLC qualification and appoint the petitioner as secondary grade teacher with scale of pay of Secondary Grade Teacher and to grant monetary benefits with arrears of pay.

For Petitioner : Mr.R.Saseetharan

For Respondents : Ms.P.Rajarajeswari,
Government Advocate

ORDER

The petitioner assails an order dated 27.07.2011 rejecting the request to treat the petitioner as qualified to be a secondary grade teacher. The petitioner was initially appointed as a secondary grade teacher on 03.09.1988. She joined in such position at the Panchayat



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Union Elementary School, Thalavadi Panchayat Union. By order dated 17.03.1992, she was ousted from service on the ground that she had not passed the SSLC examination. Subsequently, in the year 1992, she passed the SSLC examination. Later, she was appointed to the lower post of higher grade teacher on 17.09.1992.

2. In those circumstances, by letter dated 27.12.2010 from the Assistant Elementary Educational Officer to the Director of Elementary Education, it was pointed out that persons who have studied for eleven years under the old SSLC scheme may be treated as sufficiently qualified to be a secondary grade teacher on the basis of letter dated 02.02.1982. The present writ petition was filed because the said letter was disregarded while issuing the impugned order.

3. Learned counsel for the petitioner referred to the impugned order and pointed out that the petitioner's request was rejected solely



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on the ground that she completed her SSLC successfully only in the year 1992. He further submits that such order was issued without reference to the letter dated 02.02.1982 and the letter of the Tamil Nadu Public Service Commission extracted therein. In support of his contentions, he relied on an earlier order of this Court in *M.Nagaraj v. The Government of Tamil Nadu and others*, W.P.No.32180 of 2005, order dated 03.02.2006 and he contends that the matter calls for re-consideration.

4. Learned counsel for the respondents submits that the qualification for a secondary grade teacher is SSLC pass. She further submits that the petitioner's request was rejected because she admittedly passed the SSLC examination only in the year 1992, which is subsequent to her completing the teacher's certificate examination.

5. In the letter dated 02.02.1982 from the Director of School Education, there is reference to a letter dated 28.12.1981 from the Under Secretary, Tamil Nadu Public Service Commission. The said



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letter, in relevant part, reads as under:

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"I am also to add that candidates who have appeared and failed in the SSLC (XI Std.) Public Examination after 11 years of regular Schooling can be considered to possess the Minimum General Educational Qualification prescribed for entry into Public Service irrespective of the marks obtained by them in the Public Examination."

6. In the impugned communication, which is pursuant to the letter dated 31.12.2010, there is no reference to the above mentioned letter of the Tamil Nadu Public Service Commission. Instead, the petitioner's request was rejected on the sole ground that she qualified subsequently in 1992. Hence, the matter requires re-consideration.

7. Therefore, impugned order dated 27.07.2011 is set aside and the matter is remanded for re-consideration by the third respondent. After providing a reasonable opportunity to the petitioner, the third respondent is directed to issue a fresh order by taking into



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consideration the letter of the Tamil Nadu Public Service Commission and the earlier order of this Court in W.P.No.32180 of 2005 dated 03.02.2006. A fresh reasoned order shall be issued within *three months* from the date of receipt of a copy of this order.

8. W.P.No.12688 of 2012 is disposed of on the above terms without any order as to costs.

15.11.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

To

1.The Secretary to Government
School Education Department,
Fort St. George, Chennai 600 009.

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2.The Director of Teacher Education
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SENTHILKUMAR RAMAMOORTHY,J

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