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W.A.No.482 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.No.482 of 2021
and
CMP.No.1919 of 2021

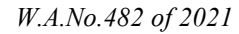
1. The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Chief Educational Officer,
Cuddalore.
3. The District Education Officer,
Vadalore,
Cuddalore District-607 303.
4. The Block Education Officer,
Keerapalayam,
Cuddalore District-608 602.

... Appellants

Vs.

1. G.Anbumani
2. The Secretary,
Thiru Nataraja Aided Elementary School,
Solatharam Post,
Srimushnam Taluk, Cuddalore District-608 701.

... Respondents



For Appellants : Mr.E.Sundaram
Government Advocate

For Respondents : Mr.T.Dharani for R1
Mr.S.Sarath Chandran for R2

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The intra-Court appeal on hand has been instituted challenging the order dated 03.02.2020 passed in WP.No.2426 of 2020. The facts in brief would indicate that the first respondent was appointed as Secondary Grade Teacher in Thiru Nataraja Aided Elementary School, which is a Government aided private School. The first respondent was appointed as Secondary Grade Teacher on 13.11.1998 and his appointment was approved by the competent authority of the Education Department after completion of child psychology training conducted for a period of one month from 02.06.2010 to 01.07.2010. The first respondent claimed that he is entitled for regularisation with effect from his initial date of



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appointment as Secondary Grade Teacher on 13.11.1998. Since the claim of the first respondent was not acceded to by the Department, the writ petition came to be instituted.

2. The learned Single Judge allowed the writ petition and directed the respondents therein to grant approval for the appointment of the writ petitioner/first respondent as Secondary Grade Teacher in the aided School with effect from 13.11.1998, the date on which the first respondent was appointed initially. The State preferred the present Writ Appeal mainly on the ground that child psychology training is a pre-requisite qualification for appointment to the post of Secondary Grade Teacher. When the first respondent was not possessing the requisite educational qualification and training as contemplated under the Rules, the appointment cannot be approved with effect from the date of initial appointment.

3. It is needless to state that any person appointed in a particular post must possess the requisite qualification to hold the post as on the date of appointment. In the absence of possessing requisite



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qualifications, the appointment became irregular. In the present case, the first respondent was appointed on 13.11.1998 as Secondary Grade Teacher, but completed the child psychology training on 01.07.2010. Thus, we are of the opinion that the approval of appointment is to be granted from the date of possessing the child psychology training by the first respondent.

4. The above legal position has been reiterated by the Hon'ble Division Bench of this Court in WP (MD) Nos.5294 and 5295 of 2018 dated 21.03.2018. That apart, the Hon'ble Supreme Court in SLP (Civil) Diary No.1327 of 2019 dated 25.01.2019 held that the appointment is to be approved only from the date of completion of child psychology training. Therefore, the date on which the first respondent completed the child psychology training is to be taken into consideration for approving the appointment of the first respondent. In the present case, the Department has rightly approved the appointment of the first respondent after completion of the child psychology training. Thus, the findings made by the learned Single Judge in the order impugned is running counter to the legal position settled by the Hon'ble Division Bench of this Court as confirmed by the Hon'ble Supreme Court of India.



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5. For the aforesaid reasons, the order impugned dated 03.02.2020 passed in WP.No.2426 of 2020 is set aside and consequently, the Writ Appeal stands allowed. No costs. Consequently, connected CMP is also closed.

[S.M.S., J.] [C.K., J.]
05.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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and
C.KUMARAPPAN, J.

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