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Writ Appeal No.795 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.02.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.795 of 2021
and C.M.P.Nos.4320 & 19814 of 2021**

1. The State of Tamil Nadu,
rep. By its Secretary,
Education Department,
Fort. St. George,
Chennai – 600 009.

2. The Joint Director,
School Education,
DPI Campus,
Chennai – 600 006.

3. The District Educational Officer,
Tiruvannamalai District.

... Appellants

Vs.

1. J.Wesley Prabhu,
S/o.Jayaraj

2. The Correspondent,
Danish Mission School,
Somasipadi,
Thiruvannamalai District.

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 05.02.2020 made in W.P.No.2694 of 2020.



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For Appellants : Mr.P.Gurunathan
Additional Government Pleader
For Respondent : Ms.Dakshayani Reddy
Senior Counsel
for Ms.Suneetha

JUDGMENT

(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This writ appeal has been directed against the order passed by the Writ Court dated 05.02.2020 made in W.P.No.2694 of 2020.

2. The issue, which was posed for consideration before the Writ Court was that whether the first respondent, who was appointed as Secondary Grade Teacher in a B.T. Assistant post would be entitled to get approval and regularization and seeking service benefits from the date of the order passed in this regard for sending those teachers like the respondent for child psychology training or from the date when they completed the said training belatedly because of the delay caused by the appellant Department.

3. The learned Judge in paragraph 5 of the impugned judgment relying upon the earlier judgments of the Division Bench in



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W.A.(MD).No.231 of 2006 dated 17.08.2006 and W.A.No.956 of 2018 dated 04.07.2018 has allowed the said writ petition.

4. The relevant portion of the order of the learned Judge, which is impugned herein reads thus:

5. The issue that has been raised in this writ petition was considered by this Court in W.P.No.2426 of 2020 and an order was passed on 03.02.2020. The relevant portions in the order are extracted hereunder:

7. The issue that has been raised in the present writ petition is squarely covered by the earlier judgment of this Court in WA(MD).No.231 of 2006 dated 17.08.2006 and W.A.No.956 of 2018 dated 04.07.2018. The relevant portions of the judgment in W.A.No.956 of 2018 are extracted hereunder:

“4. In such a backdrop, the learned Single Judge having observed in para 23 of the order as under:-

“... Though the said order was passed by the Division Bench of this Court as early as on 29.06.2001, and during that period the petitioner also had been working at the fourth respondent school and a number of persons similarly placed like that of the petitioner had been sent for such training, the petitioner had not been sent for child psychology



training for the reasons best known to the official respondents.”

5. It is further observed by the learned Single Judge in para 29 of the order thus:

“This Court finds force with the said submission made by the learned counsel for the petitioner as in this case also the petitioner had been appointed in the year 1998 since then had been continuously working in the fourth respondent school that too in a sanctioned vacancy and after great struggle the petitioner also had completed the child psychology training, hence, she would be entitled to get the approval of her appointment from the date of her original appointment i.e., from 15.4.1998.”

6. For the delay on the part of the appellants in sending the first respondent herein for the child psychology training as directed in the judgment of the Division Bench, the first respondent need not be made to suffer. In such view of the matter we do not find any reason to interfere with the order passed by the learned Single Judge. The appellants are directed to comply with the order passed by the learned single Judge, by approving the appointment of the first respondent herein from 15.04.1998 will all service benefits.”

8. It is also seen from the records that appointment of similarly placed persons who had approached this Court has been approved from the date of appointment.

9. In the present case, the petitioner had joined the



fifth respondent School as a Secondary Grade Teacher on 13.11.1998. The delay in sending the petitioner for Child Psychology Training cannot be put against the petitioner since he was not responsible for the delay. Therefore, as held by the Division Bench, the appointment of the petitioner will have to be approved with effect from 13.11.1998 onwards.

6. In view of the above order, the petitioner is also entitled for relief claimed by him. The 3rd respondent has already forwarded the recommendation to the 1st respondent and the 1st respondent is directed to pass orders in line with the earlier orders passed by this Court and grant regularization of services to the petitioner with effect from 01.08.1997. The order shall be passed within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of this order.

5. Since number of orders have been passed by various Division Benches, where such an approval can be given from the date when the teachers were sent to child psychology training and not from the date when they actually completed the training belatedly because of the delay caused by the appellant Department.



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6. In view of the same, since the prayer sought for in the writ petition since was allowed by the learned Judge, following the earlier judgments as quoted herein above, we are not inclined to interfere with the said judgment, which is impugned herein.

7. Resultantly, this Writ Appeal fails and accordingly, it is dismissed. No costs. Connected miscellaneous petitions are closed.

(R.S.K.,J.)

(K.B., J.)

14.02.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation:Yes/No
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and
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