



WEB COPY

W.P.No.5221 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.5221 of 2021 and
W.M.P.Nos.5786 & 5787 of 2021

B.Sreepathi

... Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Principal Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Fort St. George, Chennai 600 009.
- 2.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
- 3.The Director of Elementary Education,
Directorate of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
- 4.The Regional Director (Southern Regional Committee),
National Council for Teacher Education,
G-7, Sector 10, Dwaraka,
New Delhi 110 075.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in G.O.Ms.No.89 Special Welfare and Nutritious Meal Programme (SW-7 (1)) Department, dated 11.12.2018 and quash the same as contrary to the National



Council for Teacher Education Regulations (Minimum qualifications for Teachers), 2014 in so far as Clause 5V in G.O.Ms.No.89, Social Welfare and Nutritious Meal Programme (SW-7(1)) Department, dated 11.12.2018 is concerned and consequently direct the respondents 1 to 3 to appoint the petitioner who is trained in Kinder Garden (Pre Primary) teaching as teacher of LKG and UKG classes being conducted in any one of the Anganwadi Centres functioning in Panchayat, Municipality and Government Middle Schools.

For Petitioner : Mrs.C.Uma
Mrs.Nalini Chidambaram

For Respondents : Mr.S.Prabhakaran, GA for R1 to R3
No representation for R4

ORDER

This Writ Petition has been filed for quashment of the first respondent in G.O.Ms.No.89 Special Welfare and Nutritious Meal Programme (SW-7 (1)) Department, dated 11.12.2018 as contrary to the National Council for Teacher Education Regulations (Minimum qualifications for Teachers), 2014 in so far as Clause 5V in G.O.Ms.No.89, Social Welfare and Nutritious Meal Programme (SW-7(1)) Department, dated 11.12.2018 is concerned and consequently, direct the respondents 1 to 3 to appoint the petitioner who is trained in Kinder Garden (Pre Primary) teaching as teacher of LKG and UKG classes being conducted in any one of the Anganwadi Centres functioning in Panchayat, Municipality and Government Middle Schools.



2. Heard the learned counsel on either side and also perused the materials available on record.

3.The case of the petitioner herein is similar to that of the dispute which arose in a batch of Writ Petitions in W.P.(MD).No.1091 of 2019 batch (*S.Paul Prince Vs. The Government of Tamil Nadu and others*). In the said Writ Petitions, this Court has passed the following order:

“22.This Court takes note of the dismissal of W.P.Nos.1633 to 1635 of 2019 filed by Tamil Nadu Elementary School Teachers Federation challenging the order dated 09.01.2019 passed by the Director of Elementary Education deploying Secondary Grade Teachers in the Elementary Education to the post of Nursery / Montessori Teachers in Anganwadi Centre by the learned Single Judge presiding over Principal Bench, Madras. This Court approves the reason given by Justice S.M.SUBRAMANIAM for dismissing the writ petitions.

23. For the above reasons, the interim order already granted against the Government stands vacated and the injunction/stay petitions are dismissed. In fine, these writ petitions are dismissed. No costs.

24. It is open to the Government to introduce a bridge course and give proper training to Secondary Grade Teachers for six months and empower them to impart Montessori based education to Kinder Garden students simultaneously while employing them as Montessori



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Teachers. The Government is directed to go ahead with the project at the earliest as the academic year is to commence from 1st June, 2019 onwards.”

4. The subject matter in issue is also similar to that of the earlier batch of Writ Petitions filed in W.P.No.1091 of 2019 batch, in which the aforesaid order has been passed. Since the petitioner is also similarly placed as that of the petitioners in W.P.No.1091 of 2019 batch, his case would also have the similar line of appreciation involved in the above Writ Petitions.

5. In the light of the order passed by this Court in the Writ Petitions as stated supra, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

29.08.2024

vkf

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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Social Welfare and Nutritious Meal Programme Department,
Fort St. George, Chennai 600 009.



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VIVEK KUMAR SINGH, J.

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