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W.P.Nos.12217 & 12225 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.12217 & 12225 of 2024
and WMP Nos.13311 & 13316 of 2024

D.Martin Pricilla
D/o.A.Devadoss
BT Assistant (Mathematics)
Lourdu Annai Higher Secondary School
Kanakankuppam
Ginee Taluk
Villupuram District.

.... Petitioner
in WP.No.12217 of 2024

A.Jeberson
S/o.r.Anthoni Samy
BT Assistant (Science)
Lourdu Annai Higher Secondary School
Kanakankuppam
Ginee Taluk
Villupuram District.

.... Petitioner
in WP.No.12225 of 2024

-Vs-

1.The Director of School Education (Secondary)
DPI Campus
Chennai 600 006.



W.P.Nos.12217 & 12225 of 2024

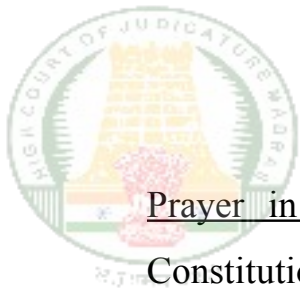
2.The Chief Educational Officer
Villupuram Taluk
Villupuram District.

3.District Educational Officer (Secondary)
Tindivanam and Taluk
Villupuram District.

4.The Correspondent
Lourdu Annai Higher Secondary School
Kanakankuppam, Ginee Taluk
Villupuram District.

.. Respondents
in WP.Nos.12217 & 12225 of 2024

Prayer in W.P.No.12217 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Moo.Moo.No.6448/A3/2020 dated 31.12.2020 and quash the same so far as the condition that permission for upgradation and conversion of the Secondary Grade teacher post to the post of BT Assistant [Mathematics] is only with effect from the date of issuance of the Proceedings dated 31.12.2020 and the consequential impugned order in OO.Moo.No.4375/A1/2023 dated 12.09.2023 of the 3rd Respondent and quash the same, consequently direct the respondents to grant approval to the appointment of the petitioner to the post of BT Assistants [Mathematics] is only with effect from date of issuance of the proceedings i.e., 31.12.2020 and consequently direct the respondents to grant approval to the appointment of the petitioner to the post of BT Assistant [Mathematics] with effect from 11.06.2018 by upgrading the post with effect from said date with all service and monetary benefits.



W.P.Nos.12217 & 12225 of 2024

Prayer in W.P.No.12225 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent in Moo.Moo.No.6447/A3/2020 dated 22.12.2020 and quash the same so far as the condition that permission for upgradation and conversion of the Secondary Grade teacher post to the post of BT Assistant [Science] is only with effect from the date of issuance of the Proceedings dated 22.12.2020 and the consequential impugned order in OO.Moo.No.4374/A1/2023 dated 11.09.2023 of the 3rd Respondent and quash the same, consequently direct the respondents to grant approval to the appointment of the petitioner to the post of BT Assistants [Science] is only with effect from date of issuance of the proceedings i.e., 22.12.2020 and consequently direct the respondents to grant approval to the appointment of the petitioner to the post of BT Assistant [Mathematics] with effect from 02.01.2019 by upgrading the post with effect from said date with all service and monetary benefits.

For Petitioner : Mrs.Dhakshayini Reddy
(Both WPs) Senior Counsel
for Ms.S.Suneetha

For Respondents : Mrs.Mythreye Chandru
(Both WPs) Special Government Pleader [Edn.,]
for R1 to R3

No appearance for R4



COMMON ORDER

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The issue involved in both these writ petitions are common and hence, both the writ petitions are taken up together, heard and disposed of through this common order.

2.The subject matter of challenge in WP.No.12217 of 2024 pertains to the proceedings of the 2nd respondent dated 31.12.2020 insofar as the condition imposed that permission for upgradation and conversion of the Secondary Grade Teacher post to the post of BT. Assistant [Mathematics] is only with effect from the date of issuance of the proceedings dated 31.12.2020 and the consequential order dated 12.09.2023 passed by the 3rd respondent and for a direction to the respondents to grant approval to the appointment of the petitioner to the post of BT. Assistant [Mathematics] from the date of appointment with effect from 11.06.2018.

3.WP.No.12225 of 2024, has been filed to challenge the proceedings of the 2nd respondent dated 22.12.2020 insofar as the condition imposed that permission for upgradation and conversion of the Secondary Grade Teacher to



the post of BT. Assistant [Science] is only with effect from the date of issuance of the proceedings dated 22.12.2020 and the consequential order dated 11.09.2023 passed by the 3rd respondents and for a direction to the respondents to grant approval to the appointment of the petitioner to the post of BT. Assistant [Science] from the date of appointment with effect from 02.01.2019.

4.The main grievance that has been expressed in both these writ petitions is that the upgradation and conversion of Secondary Grade Teacher Post was given effect only from the date of issuance of the proceedings and whereas it should be given from the date of appointment of the petitioner to the post of B.T. Assistant.

5.Counter affidavits have been filed in both the writ petitions. A stand has been taken to the effect that as per the relevant Government Order, such approval can be granted only from the date of order and not from the date of appointment.

6.The issue that is involved in both the writ petitions is squarely covered by the judgment of the Division Bench of this Court in WA(MD).Nos.828 etc., dated 22.04.2016. The Division Bench has held that the approval must be



granted only from the date of appointment and not from a later date. While passing this judgment, the Division Bench had taken into consideration the earlier orders passed. The above order was also followed by a learned Single Judge of this Court in WP(MD).No.17955 of 2023, dated 01.11.2023.

7.In view of the above judgments, the impugned proceedings of the respondents is unsustainable and accordingly, the same is hereby quashed.

8.In the result, WP.No.12217 of 2024, is allowed and there shall be a direction to the respondents to grant approval to the appointment of the petitioner to the post of B.T. Assistant [Mathematics] from the date of appointment from 11.06.2018, with all service and monetary benefits. WP.No.112225 of 2024, is allowed and there shall be a direction to the respondents to grant approval to the appointment of the petitioner to the post of B.T. Assistant [Science] from the date of appointment from 02.01.2019, with all service and monetary benefits. The proceedings shall be issued in this regard by the 2nd respondent viz., the Chief Educational Officer, within a period of six weeks from the date of receipt of copy of the order. It goes without saying that the School in question is an aided



W.P.Nos.12217 & 12225 of 2024

minority School and therefore, the respondents should not insist for TET qualification.

9.Both the writ petitions are allowed accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

23.10.2024

Index : Yes/No

NCS : Yes/No

KP

To

1.The Director of School Education (Secondary)
DPI Campus
Chennai 600 006.

2.The Chief Educational Officer
Villupuram Taluk
Villupuram District.

3.District Educational Officer (Secondary)
Tindivanam and Taluk
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N.ANAND VENKATESH, J.

KP

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