



W.P.(MD) No.1202 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON : 18.03.2024

ORDERS PRONOUNCED ON : 26.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.1202 of 2021

S.Antony Arockia Raja

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai-600 009.

2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The District Educational Officer,
Valliyoor Educational District,
Tirunelveli District.

4.The Correspondent,
Thiru Irudhaya Higher Secondary School,
Panagudi, Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue
Writ of Certiorarified Mandamus calling for the records of the 3rd



W.P.(MD) No.1202 of 2021

respondent passed in the impugned order in Na.Ka.No.2024/Aa2/2019 dated 10.01.2020 and quash the same as arbitrary, illegal and violative of Article 14 of the Constitution of India and consequently direct the official respondents to pass appropriate orders on the basis of the claim of the petitioner dated 15.10.20214 for regularization of service from 07.04.1998 i.e. the initial date of appointment with other consequential benefits.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The petitioner herein was appointed as Secondary Grade Teacher by the 4th respondent-School on 07.04.1998 with the qualification of B.Sc., B.Ed. The said appointment was not approved by the respondents, as the said appointment was found to be in violation of certain Government Orders. Thereafter, the issue pertaining to the appointment of the persons having B.Ed., qualification to the post of Secondary Grade Teacher was found defective in the case of *Secretary and Correspondent Uswathun Hasana Oriental (Arabic) Girls Higher Secondary School, Pallapatti,*



W.P.(MD) No.1202 of 2021

Karur District v. State of Tamil Nadu and others reported in **2002 Writ**

L.R. 173 and in terms of a concession made by the then learned Additional Advocate General, G.O.Ms.No.155, dated 03.10.2002 came to be issued enabling the Secondary Grade Teachers, who were appointed contrary to the Government Order to continue their services from the date they complete the course of Child Psychology/Child Mental Health Training Programme. The petitioner is one such Secondary Grade Teacher and his services were regularised with effect from 28.03.2003, i.e., from the date on which the petitioner completed the Child Mental Health Training Programme in terms of G.O.Ms.No.155, dated 03.10.2002. The petitioner, thereafter made a claim for counting of services from the date of his initial appointment as Secondary Grade Teacher. The said claim of the petitioner was negated by the 3rd respondent by passing the impugned order.

2. The very same issue has fallen for consideration before this Court in W.P.(MD) Nos.18672 and 18675 of 2020, dated 26.03.2024 and this Court having considered the issue elaborately, has come to a conclusion that the petitioners therein are not entitled to count the services rendered by



W.P.(MD) No.1202 of 2021

them prior to they acquiring the Child Psychology Training/Child Mental Health Training programme for any purpose.

3. In view of the said decision, this Court is of the considered view that the issue involved in this writ petition is squarely covered by the said decision and for the reasons alike, as assigned in the said order dated 26th March, 2024, this Writ Petition is also liable to dismissed and accordingly, the same is dismissed. No costs.

4. Registry is directed to enclose a copy of the order in W.P.(MD) Nos.18672 and 18675 of 2020, dated 26.03.2024 to this order.

26.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR



W.P.(MD) No.1202 of 2021

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To

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W.P.(MD) No.1202 of 2021

MUMMINENI SUDHEER KUMAR, J.

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Pre-delivery Order made in
W.P.(MD) No.1202 of 2021

26.03.2024