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W.P.(MD)No.8877 of 2024.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8877 of 2024

S.Sathi Kumari Amma

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Kanyakumari at Nagercoil,
Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District-629 165.
- 5.The Secretary,
Sri Devi Girls Higher Secondary School,
Kollemcode and Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining



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to the impugned order passed by the fourth respondent herein, vide his proceedings in Oo.Mu.No.349/A1/2024, dated ...01.2024, which was signed on 23.01.2004 and quash the same as illegal and consequently direct respondent Nos.1 to 4 herein to approve the petitioner's appointment as P.G. Assistant (Chemistry) in the fifth respondent School with effect from 07.10.1992 to 31.07.1999 and to pay arrears of salary and other monetary benefits for the above said period, with continuity of service in a time framed manner as stipulated by this Court.

For Petitioner : Mr.C.Kishore

For R-1 to R-4 : Mr.M.Siddharthan,
Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.M.Siddharthan, learned Additional Government Pleader takes notice for respondent Nos.1 to 4.

3. The petitioner has filed this Writ Petition challenging the impugned order passed by the fourth respondent herein, vide his proceedings in Oo.Mu.No.349/A1/2024 dated ...01.2024, which was signed on 23.01.2004 and consequently direct respondent Nos.1 to 4 herein to approve the petitioner's



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appointment as P.G. Assistant (Chemistry) in the fifth respondent School with effect from 07.10.1992 to 31.07.1999 and to pay arrears of salary and other monetary benefits for the above said period with continuity of service.

4. For the very same relief, the petitioner has filed a writ petition earlier in W.P.(MD).No.3210 of 2012 wherein an order has been passed on 04.02.2013 dismissing her claim. Despite the petitioner filed an appeal, she could not get any favorable orders. However, the petitioner has come out once again for the very same relief in view of the benefit extended to similarly placed person through the proceedings of the fourth respondent dated 14.11.2022. In fact, the other person by name, A.Prabha Kumari has also filed a Writ Petition before this Court in W.P.No.29740 of 2005 and an order has been passed on 29.01.2021 and the relevant portions of the said order are extracted hereunder:

“15. Without a single Teacher in a relevant subject, it cannot be expected that the students would be taught in the School. Therefore, it is a dire necessity for a School having two groups of Science subjects to have one Teacher each atleast in Science subjects like Physics, Chemistry and Biology. Therefore, the respondents cannot say that the School is not entitled to have a sanctioned post of P.G. Assistant (Biology) or P.G. Assistant



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(Botany) for the period from 1988 and 1997. Moreover, what was the reason available to the official respondents to sanction the post of P.G. Assistant (Botany) or (Biology) to the fourth respondent School from 01.06.1997 definitely had been available for the relevant period also, i.e., 1988 and 1997, not only based on the pupil strength in the School but also the school already been having atleast two groups with Science subjects and those students had to be taught Botany and Biology subjects. Therefore, the reason stated in the impugned order shall not stand in the legal scrutiny, therefore, this Court has no hesitation to hold that the impugned order is unjustifiable, unlawful therefore, it is liable to be interfered with. 16. In view of the aforesaid discussion, this Court is inclined to dispose of this writ petition with the following order: The impugned order is quashed. Consequently, a direction is hereby given to the official respondents to sanction the teaching grant for the P.G. Assistant (Biology) / (Botany) to the fourth respondent school, where, the petitioner worked from 04.01.1988 till 31.05.1997 and pay the same to the petitioner within a period of three months from the date of receipt of a copy of this order.”



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5. The petitioner has been appointed as a similar fashion but for a different subject i.e., P.G. Assistant (Chemistry). When the fourth respondent authority could apply the order of the Court as against one A.Prabakumari, who was appointed during the relevant point of time as P.G. Assistant (Botany), a different yardstick shall not be applied to the petitioner by putting her at a disadvantage. The stand of the fourth respondent is that without any Writ Appeal against the order passed in W.P.No.29740 of 2005, the same was implemented. It goes without saying that the fourth respondent has accepted one principle that the grant has to be given for the period between 04.01.1988 to 31.05.1997 for the above said K.Prabhakumari and that the said period is inclusive of the year 1992 during which the petitioner got appointed.

6. Since the subsequent turn of events have guarded the petitioner with right to equality, her dismissal order passed in the previous Writ Petition can be ignored and the petitioner shall also be kept on the same footing as that of the other PG (Assistant) Botany for whom the grant has been given between the period from 04.01.1988 to 31.05.1997 and arrears of salary and pay the same to the petitioner within a period of three months from the date of receipt of a copy of this order.



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7. In view of the above direction, the Writ Petition stands disposed

of. No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Secretary,
State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
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R.N.MANJULA, J.

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