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W.A.(MD)No.529 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.529 of 2024

P.Kanagababy (died)

1.Aranthai Annadurai

2.Anna Arulmozhi

3.Anna Anbumozhi

... Appellants

-Vs-

1.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.

2.The District Elementary Educational Officer,
Pudukkottai, Pudukkottai District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 20.11.2018 made in W.P.(MD)No.1911 of 2009 on the file of this Court.

For Appellants : Mr.R.Paranjothi

For Respondents : Mr.D.Sadiq Raja,

Additional Government Pleader



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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 20.11.2018 in W.P.(MD)No.1911 of 2009.

2.The mother of the present appellants, namely, Kanagababy was appointed as a Craft Teacher. At that time, she did not even have the qualification of S.S.L.C. But as per G.O.(Ms)No.1366, School Education Department, dated 05.09.1986, within a period of six months such qualification must be acquired. Nevertheless, the said Kanagababy acquired such qualification of S.S.L.C., only on 31.10.2001 and thereafter, within less than two years, she retired from service.

3.She had filed Original Application in O.A.No.516 of 2003 before the Tamil Nadu Administrative Tribunal, Chennai, where she sought for prayer that she must be promoted as Tamil Pandit and in this context, it was the contention of the said teacher that she, subsequently, after joining service, acquired qualification of B.Lit, and B.Ed., degree in the year 1994 and 1996 respectively. Therefore, on that strength, she wanted to have promotion or appointment to the post of Tamil Pandit.



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4.The said Original Application was disposed of by the Tribunal on 17.02.2003, where a direction was given to consider the request of the said individual. Thereafter, long years there had been no movement and ultimately, she filed Writ Petition in W.P.(MD)No.1911 of 2009, ie., the present Writ Petition, seeking prayer of direction to the Education Department to disburse her consequential monetary and pensionary benefits on par with B.T. Assistant with effect from 21.04.1997.

5.The said Writ Petition, having been considered, was rejected by the Writ Court through the impugned order.

6.Heard the learned counsel for the appellants and the learned Additional Government Pleader for the respondents.

7.Admittedly, the deceased teacher, namely, Kanagababy, has never been promoted before her superannuation. Moreover, she acquired the qualification of S.S.L.C., only on 31.10.2001 and therefore, the question of promoting her as Tamil Pandit in the year 1997 does not arise. Hence, from that date, no benefit can be sought for by the said Kanagababy. Moreover, the present appellants are



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only legal heirs of the said Kanagababy. Therefore, they do not have any such right of seeking retrospective promotion that too without having the qualification from 1997, based on which the plea now raised to get monetary and pensionary benefits also is beyond of imagination.

8. These aspects having been considered in proper perspective by the learned Single Judge, the Writ Petition filed by the said Kanagababy has been dismissed by the order impugned herein, dated 20.11.2018. Therefore, we do not find any plausible reasons to interfere with the order of the learned Single Judge. Hence, this Writ Appeal fails and accordingly, dismissed. No costs.

[R.S.K., J.] & [G.A.M., J.]
03.04.2024

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

Yuva

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2.The District Elementary Educational Officer,
Pudukkottai, Pudukkottai District.



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