



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.26631 of 2018

and

WMP.No.31002 of 2018

K.Mary Stella Bai
5-35, Manavilai Road Saral,
Saral Post Vellisandhai via
Kanyakumari District – 629203
Petitioner

Vs.

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

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

3. The Director of Elementary Education
College Road, Chennai-600006.

4. The correspondent,
Saint Joseph High School
Saral Post
Kanyakumari District - 629 203 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to



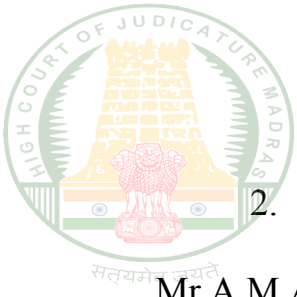
issue a Writ of Certiorarified Mandamus, calling for the records dated order relating to the impugned 28.09.2017 ref.No.Na.Ka.No.018243/D1/F320d by the 2nd respondent and quash the A same and consequently direct the respondents 1 to 3 to regularize the service of the petitioner as secondary grade teacher in the 4th respondent school for the period from 1.6.1997 to 1.6.2003 and consequently grant Government salary benefits and seniority applicable to the secondary grade teachers with effect from 1.6.1997 viz. from the date of the petitioner's initial appointment together with arrears and other benefits within a time to be fixed by this Court.

For Petitioner : Mr.S.Thankasivan

For Respondents : Mr.A.M.Ayyadurai , GA
: No appearance for R4

ORDER

The petitioner has filed this writ petition seeking a direction to the respondent to regularize the services of the petitioner as a secondary grade teacher in the 4th respondent school for the period from 1.6.1997 to 1.6.2003 and consequentially direct to disburse the salary benefits and seniority advantage applicable to the secondary school teachers with effect from 1.6.1997 from the date of the petitioner's initial appointment together with arrears of other benefits.



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2. Heard Mr.S.Thankasivan learned counsel for the petitioner, Mr.A.M.Ayyadurai, learned government advocate for respondents 1 to 3 and perused the materials available on record.

3. The petitioner was appointed as a secondary grade teacher in the year 1.6.1997 in the 4th respondent school. The petitioner has undergone training program in child psychology and obtained the training completion certificate from the District Institute of Education and Training, Kanyakumari District, during the year 2003. Only thereafter her services were regularized with effect from 2.6.2003. The grievance of the petitioner is that her services have not been regularized from 1.6.1997 to 1.6.2003 for the alleged reason that she did not complete the child psychology training.

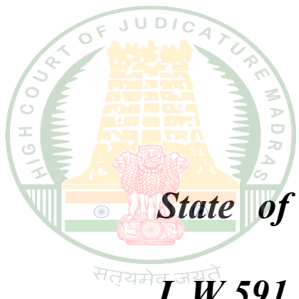
4. It is seen from the impugned order passed by the 2nd respondent dated 28.09.2017 that while the petitioner was serving as a secondary grade teacher during the period from 1.6.1997 to 1.6.2003, she did not have the child psychology training certificate and thereafter only she had obtained that certificate and hence the petitioner's approval cannot be granted with effect from 1.6.1997 and salary from the respondents cannot be paid. As the petitioner's



appointment was made prior to the issuance of the government order mandating the psychology training, I feel the petitioner is also entitled to get the same benefit as the relief granted to the similarly placed persons in the earlier judicial proceedings.

5. The petitioner is entitled to get salary and other benefits only from the date of completing the child psychology training and not from her original date of her appointment, as already held in the case of Sundaravel Raj. In the said case, the question of entitlement of salary for similarly placed persons from the original date of appointment has been considered, and it has been held that it is not permissible in light of explicit conditions imposed in [G.O.Ms.No.155](#), which is already upheld by the Division Bench.

6. As the petitioner completed the training in the year 2003, she can claim salary and other benefits only from the year 2003 and not from the date of her original appointment. So any orders passed by not making any reference to the case in *The Director of Elementary Education, College Road, Chennai Vs. Sundaravel Raj* passed in *W.A.(MD).Nos.74 of 2015 and 957 of 2016 dated 21.3.2018* and G.O.Ms. No. 155 cannot be followed. However, in the case of *The*



State of Tamil Nadu Vs. Pallivasal Primary School reported in **2004-2-**

L.W.591, the Division Bench clarified that the past services of this kind of training can be countable for the purpose of pension. This petitioner also completed the child psychology training subsequent to the government order issued in this regard.

7. Attention was also drawn to the recent division bench judgment of the Madurai Bench of this Court in W.A.[MD]No.350/2018, wherein also the above point has been confirmed. For the sake of clarity, the relevant paragraph of the Division Bench judgment held in W.A.[MD]No.350 of 2018 is extracted hereunder:

"13. In the case in hand, admittedly, the writ petitioner was appointed as a Secondary Grade Teacher prior to the issuance of G.O.Ms.No.155 dated 3.10.2002 and after issuance of G.O.Ms.No.559 dated 11.07.1995. Both the Government Orders are squarely applicable to her. Admittedly, she has undergone training between 28.04.2008 and 28.05.2008. In G.O.Ms.No.155 dated 03.10.2002, it has been categorically stated that the teachers, who possessed B.Ed qualification and appointed in Secondary Grade vacancies are not entitled to get regular time scale of pay and only after completion of the training period, they are entitled for time scale of pay, that too, after satisfaction of the other conditions, i.e., the qualification and completion of proper appointment procedures. The issue of delay in referring the writ petitioner for training was also considered by the Division Bench in Pallivasal Primary School's case cited supra and in paragraph 9, it has been held that since the persons, who have to undergo training, are very large in number, it is not possible for the Government to formulate a scheme and provide training within a short span of time and sufficient time is required for the Government for providing training. The Division bench in the Sundaravel Raj's case cited supra has considered the



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question of entitlement of salary from the original date of appointment and answered that only after training, salary can be paid to the persons appointed and directing the disbursement of salary from the date of original appointment is not permissible in the light of explicit conditions imposed in G.O.Ms.No.155, which was already upheld by the Division Bench.

14. In this case, admittedly, the writ petitioner has completed training in the year 2008 and she can only claim salary and other benefits only from the date of appointment in the year 2008 and she is not entitled to claim salary and other benefits from the date of original appointment. The learned counsel for the writ petitioner relied on several orders passed by the learned Single Judges of this Court. We have carefully considered the said orders and found that in all those orders, no reference was made about the judgments passed by the Division Benches in Pallivasal Primary School's case and Sundaravel Raj's case cited supra and the conditions stipulated in G.O.Ms.No.155 dated 03.10.2002. Hence, the orders relied on by the learned counsel for the writ petitioner are not relevant for consideration of this appeal. However, in paragraph 8 of the judgment passed in Pallivasal Primary School-s case, the Division Bench has clarified that the past service of the teachers shall count for pension, which was followed by the Division Benches of this Court in The State of Tamil Nadu Vs. R.Chitradevi [W.A.Nos.1573, 1574 and 1577 of 2021 dated 30.06.2022] and The State of Tamil nadu and others Vs. K.Sulochana and others [W.A.(MD).Nos.348 and 349 of 2021 dated 04.01.2023]."

15. Accordingly, the prayer of the writ petitioner seeking direction to the respondents to approve her appiontment as a Secondary Grade Teacher with effect from 06.04.1998 with all consequential benefits fails and the order of the learned Single Judge passed in WP.[MD].No.6097 of 2013 dated 01.03.2017 is set aside. The Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed."

8. In view of the above stated reasons, the petitioner is not entitled to get the relief of disbursement of salary and other consequential benefits from the date of her original appointment. But she is entitled to get those benefits only from the



date of completing her training in child psychology. However, her services from the date of original appointment can be counted for the purpose of pensionary benefits.

With the above observation, this writ petition stands **disposed**. No costs.

Consequently, connected miscellaneous petition is also closed.

09.04.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



R.N.MANJULA, J.
jrs

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To

1. The Secretary Education Department
State of Tamil Nadu
Fort St. George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The Director of Elementary Education,
College Road, Chennai-600006.
4. The correspondent,
Saint Joseph High School,
Saral Post,
Kanyakumari District - 629 203

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