



W.A(MD)Nos.975 & 977 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)Nos.975 & 977 of 2021

T.Kalaiarasan ... Appellant in WA(MD)No.975/21

K.ElizabethMariammal ... Appellant in WA(MD)No.977/21

Vs.

1. The Director of School Education,
College Road, Chennai-6.
2. The Chief Educational Officer,
Tirunelveli, Tirunelveli District. ... R1 & R2 in both WAs
3. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.
4. The Correspondent,
St.Joseph High School,
Vaikalipatti, Mettur-627 436,
Tirunelveli District. ... R3&R4 in WA(MD)No.975/21



W.A(MD)Nos.975 & 977 of 2021

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3. The Additional Assistant Elementary Educational Officer,
Vallioor,
Tirunelveli District.

4. The Correspondent,
St.Joseph's R.C. Middle School,
Kizhavaneri, Vallioor Via,
Tirunelveli District.

... R3&R4 in WA(MD)No.977/21

COMMON PRAYER:- Writ Appeals filed under Clause 15 of Letters Patent, to set aside the orders made in W.P.(MD)No.14406 of 2013 dated 08.12.2020 and in WP(MD)No.19753 of 2015 dated 08.12.2020 respectively, on the file of this Court and allow the writ appeals.

In Both W.As:

For Appellants : Mr.T.Pon Ramkumar

For Respondents : Mr.J.Ashok

Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The appellant in WA(MD)No.977 of 2021 had filed a writ petition seeking Certiorarified Mandamus, quash of an order of the

2/10



W.A(MD)Nos.975 & 977 of 2021

Additional Assistant Elementary Educational Officer / R3 rejecting the request for award of selection grade pay with effect from 01.12.2005 with all attendant benefits and privileges.

2. The appellant in WA(MD)No.975 of 2021 had filed writ petitions seeking a Mandamus, to direct the respondents 1 to 3 to pay salary and selection grade.

3. We have heard Mr.T.Pon Ramkumar, learned counsel appearing for the appellants and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

4. No notice appears to have been issued to schools. In light of the order proposed to be passed, notice is unnecessary.

5. A common order is passed in the writ appeals, since they are premised on near identical factual aspects and also give rise to common questions of law.

6. Ms.K.Elizabeth Mariammal (appellant in WA(MD)No.977 of 2021)) was appointed as the Secondary Grade Teacher in St.Joseph's R.C. Middle School, Kizhavaneri, Vallioor, Tirunelveli District, on 03.11.1995. Mr.T.Kalaiarasan (appellant in WA(MD)No.975 of 2021))



W.A(MD)Nos.975 & 977 of 2021

was appointed as the Secondary Grade Teacher in St.Joseph High School, Vaikalipatti, Mettur, Tirunelveli District, on 01.12.1995.

7. Barring the aforesaid, the facts remains the same.

8. The appellants had been appointed without benefit of Diploma in Teacher Education, which is contrary to the stipulation in G.O.Ms.No.559, Education, Science and Technology Department, dated 11.07.1995. They justify their appointments, however, on the ground that they hold more than necessary qualifications being graduate, degree holders, with a B.Ed., to boot.

9. Be that as it may, their appointments been contrary to the stipulated qualification is an aspect that bears looking into. G.O.Ms.No. 559, Education, Science and Technology Department, dated 11.07.1995 had been challenged in a batch of writ petitions, which came to be dismissed and the order of the writ Court was confirmed in *Secretary & Correspondent, Uswathu Hasana Oriental (Arabi) Girls Higher Secondary School, Pallapatti, 639 205, Karur District vs. the State of Tamil Nadu and Others*¹.

10. A petition for Special Leave was filed as against the same

¹12002 Writ L.R. 173



W.A(MD)Nos.975 & 977 of 2021

by the Tamil Nadu Recognized Private Schools Managers' Association and by judgment dated 25.04.2005, in *Tamil Nadu Recognized Private Schools Managers' Association vs. State of Tamil Nadu & Others*, that SLP No.22687 of 2003 was also dismissed.

11. Learned counsel appearing for the appellants draws our attention to that order dated 25.04.2005, pointing out to the reference to a subsequent GO in GO.Ms.No.79, School Education Department, dated 14.06.2002.

12. Straightaway, we would reject reference to, and reliance upon the above GO, as that GO refers to automatic upgradation of Secondary Grade Teacher to the post of BT Assistant in Middle School, upon occurrence of vacancy. This is not an issue with which we are concerned in these matters.

13. In the wake of G.O.Ms.No.559, Education, Science and Technology Department, dated 11.07.1995, there was a series of writ petitions instituted by teachers, similarly placed to the appellants before us, seeking either the grant of salary from date of their appointments or grant of selection grade to them. Those writ petitions were grouped



W.A(MD)Nos.975 & 977 of 2021

together and posted before the Division Bench of this Court.

14. In *State of Tamil Nadu & Others vs. Pallivasal Primary School*², the Division Bench considered various issues that arise in the context of appointments of teachers in identical circumstances to the present, ie., where appointments had been made sans necessary qualifications.

15. In the earlier GO, there had been a direction, based on the largess of the State, that even those teachers who had been appointed without necessary qualifications, may be regularized by giving them the requisite training in the subject of Child Psychology, for a period of three months.

16. In the present case, the appellants have completed the training on 01.06.2002 and their appointments had been confirmed on 02.06.2002. As a result, their services were taken to have been regularized on, and with effect from 02.06.2002. Hence, they were entitled to the benefits of salary and selection grade only from that date onwards.

² 2004 (2) LW 591



W.A(MD)Nos.975 & 977 of 2021

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17. In the case of *Pallivasal*³, the Court considered the ramification of the earlier judgements holding that (i) no recovery of salary be made as against those who had received the pecuniary benefits, even paid prior to their regularization; (ii) they would be entitled to pension and (iii), importantly, and specific to the present cases, the confirmation of their appointments can only be on and from the date they complete the training in the subject of Child Psychology. Para 8 of the decision in *Pallivasal*⁴ is extracted below:-

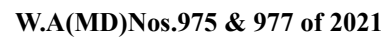
8. Their right to be regarded as persons eligible for confirmation / approval can be said to arise only after they acquired, after their training, a minimum prescribed qualification. The Government here has shown great concession to them by allowing them to retain their position even without obtaining the requisite diploma or certificate in child psychology by giving to them training in child psychology. We see nothing wrong in the Government directing that their approval / confirmation can only be on and after the date they complete the training. Their past service however shall count for pension.

18. In light of the decision as above, this issue is no longer res integra and there is no merit in the present writ appeals.

19. Since admittedly, the appellants have completed the Child

³ Footnote 2 supra

⁴ Footnote 2 supra



These writ appeals are dismissed. No costs.

NCC :Yes/No
Index :Yes/No
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W.A(MD)Nos.975 & 977 of 2021

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W.A(MD)Nos.975 & 977 of 2021

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Common Order made in
W.A(MD)Nos.975 & 977 of 2021

Dated:
14.10.2025