

W.A(MD)No.232 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.232 of 2024
and
C.M.P(MD)No.2001 of 2024**

- 1.The Director of School Education,
School Education Department,
Chennai.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
- 4.The Head Master,
Government Higher Secondary School,
Tharuvaikulam,
Thoothukudi.

... Appellants /
Respondents

Vs.

M.Shunmugakani

... Respondent /
Writ Petitioner



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 23.11.2022 made in W.P(MD)No.1270 of 2016 and thereby allow the above Writ Appeal.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondent : Mr.G.Karthik
for M/s.S.Rajasekar

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The department is on appeal challenging the order dated 23.11.2022 allowing W.P(MD)No.1270 of 2016 filed by the respondent herein. The respondent herein was appointed as Craft Instructor (sewing) on 12.12.2000. She was sponsored by the District Employment Exchange, Tuticorin. She was posted in Government Higher Secondary School, Tharuvaikulam. She reached the age of superannuation in the year 2016. On the eve of the same, she was terminated from service by order dated 09.01.2016 passed by the Chief Educational Officer, Tuticorin District. The ground on which she was sacked was that she did not possess the requisite educational qualifications.



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Challenging the same, W.P(MD)No.1270 of 2016 was filed. The learned single

WEB COPY Judge vide order dated 23.11.2022 allowed the Writ Petition in the following

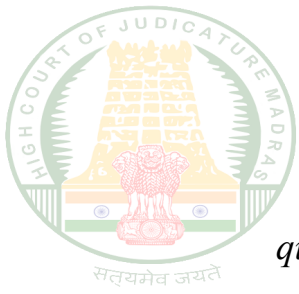
terms:

“7. The learned Counsel appearing for the petitioner submitted that the G.O.Ms.No.931, Labour and Employment Department, dated 31.07.1990 wherein it is stated as under:

“4. The Government after careful consideration of the reports of the Director of Employment and Training and Director of School Education, accept the suggestion of the Director of Employment and Training and direct that the Technical Teacher's Certificate issued by the Department of Employment and Training be treated as equivalent to that of the Technical Teacher's Certificate issued by the Director of Government Examinations for purpose of appointment as teachers in the Department of School Education.”

8. The petitioner is possessing “Technical Teacher’s Certificate” issued by the Department of Employment and Training and as per the aforesaid G.O. the said certificate is equivalent to the “Technical Teacher's Certificate” issued by the Director of Government Examinations. In such circumstances the objection raised by the respondents is not sustainable in law.

9. Moreover the District Collector has directed to cancel the appointment order, but the District Collector has no power to cancel the appointment order, since the Chief Educational Officer is the appropriate authority. The Educational Department has passed an order stating that the petitioner's



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qualification is equivalent to the qualification prescribed under law. In such circumstances, the objections raised by the District Collector and the Audit party is illegal. Therefore, the petitioner is bound to get the appointment order.

10. The petitioner has not received proper salary that is applicable to the post. Therefore, this Court is passing the following order:

- a. The impugned order is quashed.*
- b. The respondent is directed to approve the petitioner's appointment and disburse all the terminal, service and monetary benefits that is applicable to the petitioner.*
- c. The petitioner may be allowed to retire. The petitioner was appointed in the year 2000, hence she is entitled to pension.*
- d. The respondents are directed to submit the pension proposals to the Accountant General and produce the papers at the earliest to pay the pension.*
- e. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.”*

Questioning the same, this Writ Appeal has been filed.

3. It is not the case of the appellants that the writ petitioner indulged in any misrepresentation. In fact, her case was duly sponsored by the employment exchange. The audit department raised their objection way back in the year



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2007 itself. The matter was hanging fire. Ultimately, the Chief Educational

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Officer, Tuticorin vide proceedings dated 07.12.2012 in Na.Ka.No.

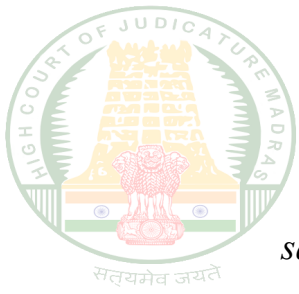
10141/Aa2/2007 made it clear that the appointment of the writ petitioner was very much in order and that needless objection should not be repeatedly raised.

The salary of the writ petitioner was to be properly fixed, and the payment of arrears was also directed to be paid. Since this order was not complied with,

the writ petitioner herein filed W.P(MD)No.6218 of 2014. The Writ Petition came to be allowed vide order dated 23.07.2014 in the following terms:

“2. The petitioner was appointed as a Sewing Teacher by the second respondent, vide proceedings dated 12.12.2000. There was an audit objection way back in the year 2007 with respect to her qualification. The audit objection was duly answered and as such, it was deleted. Since the question regarding educational qualification came to an end, the second respondent passed an order dated 07.12.2012, whereby and whereunder the third respondent was directed to re-fix the salary of the petitioner. It is the grievance of the petitioner that notwithstanding the said order, follow-up action was not taken by the third respondent. The petitioner is, therefore, before this Court.

3. The typed-set of papers produced by the petitioner indicate that the second respondent has passed the order on 07.12.2012. The second respondent called upon the third respondent to re-fix the salary of the petitioner, pursuant to the



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said proceedings. There is nothing on record to show that the third respondent implemented the said order.

4. In the result, a Writ in the nature of Writ of mandamus is issued, directing the third respondent to implement the order passed by the second respondent dated 07.12.2012, as expeditiously as possible and in any case, within a period of three weeks from the date of receipt of a copy of this order.”

4. When the issue regarding the writ petitioner's appointment had already attained finality, there is no purpose in re-agitating the same. When the writ petitioner had served the department for more than 16 years, it is not fair to raise such questions on the verge of her retirement. The learned Judge has adopted an equitable approach and interference with the said order is not warranted.

5. This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
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NCC : Yes / No
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