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WA No. 623 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

and

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 623 of 2026

and

CMP No. 5875 of 2026, CMP No. 5877 of 2026

1. The State of Tamil Nadu
Rep. by its Secretary,
Education Department,
Secretariat, Chennai-9.
2. The Joint Director of School Education,
(Secondary Education), College Road,
Chennai-6.
3. The Chief Educational Officer
Trichy District.
4. The District Educational Officer
Trichy District.

Vs

..Appellant(s)

1. D.Umadevi, M.Sc.,B.Ed.,
P.G.Assistant, Girls Higher Secondary School,
Srirangam, Trichy District.
2. The Secretary
Girls Higher Secondary School, Srirangam,
Trichy District.

..Respondent(s)



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Prayer: Appeal filed under clause 15 of the Letters Patent to set aside the order dated 01.03.2023 made in W.P.No.11299 of 2015.

For Appellant(s): Mr.J.C.Durai Raj,
Additional Government Pleader

For Respondent(s): Mr.S.N.Ravichandran (for R1)

JUDGMENT

(Judgment of the Court was delivered by N.Senthilkumar J.)

This intra court appeal has been filed challenging the order passed by the Writ Court in W.P.No.11299 of 2015 dated 01.03.2023.

2.In view of the order that is going to be passed in this Appeal at the admission stage, notice to the 2nd respondent is dispensed with.

3.The case of the 1st respondent herein/writ petitioner before the writ Court was that she was appointed as a secondary grade teacher by the appellants, by the proceedings of the second respondent herein dated 24.03.1998. The writ petitioner had challenged the proceedings of the 2nd appellant, whereby the request to approve and regularise the writ petitioner's



appointment with effect from the initial date of appointment was rejected.

Instead, the Department ordered that the appointment be construed and approved only from the date of completion of Child Psychology Training, thereby depriving her service benefits from the date of original induction.

4.The appellants filed G.O.Ms.No.559, Education, Science and Technology Department, dated 11.07.1995, whereby the Government directed that appointment of B.Ed qualified teachers to Secondary Grade Teacher vacancies shall not be approved. Prior to 11.07.1995, the Government had permitted aided schools to appoint B.T. teachers in Secondary Grade Teacher vacancies due to the non-availability of candidates possessing Diploma in Teachers Education (D.T.Ed.) qualification. The said Government Order was challenged before this Court. The stand of the Government was that B.Ed., qualified teachers, though possessing higher qualifications, were not specifically trained in child psychology and therefore, they were not suitable for handling classes meant for Secondary Grade Teachers. The Writ Court quashed G.O.Ms.No.559, Education, Science and Technology Department, dated 11.07.1995. The same was challenged by the Government by way of Writ Appeal Nos. 991 to 998 of 1998, which came to be dismissed.



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5. In the present case, the writ petitioner, who possesses a B.Ed., qualification was permitted to take classes. The Writ Court after considering the relevant precedents and the fact that the petitioner was not responsible for the delay in undergoing the mandatory Child Psychology Training, allowed the Writ Petition with a direction to the Appellants to regularise the petitioner's services from the original date of appointment rather than the date of completion of the training. Aggrieved over the same, the State has filed this Writ Appeal.

6. The learned counsel for the appellants fairly submitted that on the same issue, a division bench of this Court [in which one of us (RSKJ) was a member] has passed the following order in W.A.No.795 of 2021 dated 14.02.2024.

“2. The issue, which was posed for consideration before the Writ Court was that whether the first respondent, who was appointed as Secondary Grade Teacher in a B.T. Assistant post would be entitled to get approval and regularization and seeking service benefits from the date of the order passed in this regard for sending those teachers like the respondent for child psychology training or from the date when they completed the said training belatedly because of the delay caused by the appellant Department.



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3. *The learned Judge in paragraph 5 of the impugned judgment relying upon the earlier judgments of the Division Bench in W.A.(MD).No.231 of 2006 dated 17.08.2006 and W.A.No.956 of 2018 dated 04.07.2018 has allowed the said writ petition.*

4. *The relevant portion of the order of the learned Judge, which is impugned herein reads thus:*

5. *The issue that has been raised in this writ petition was considered by this Court in W.P.No.2426 of 2020 and an order was passed on 03.02.2020. The relevant portions in the order are extracted hereunder:*

7. *The issue that has been raised in the present writ petition is squarely covered by the earlier judgment of this Court in WA(MD).No.231 of 2006 dated 17.08.2006 and W.A.No.956 of 2018 dated 04.07.2018. The relevant portions of the judgment in W.A.No.956 of 2018 are extracted hereunder:*

“4. In such a backdrop, the learned Single Judge having observed in para 23 of the order as under:~

“... Though the said order was passed by the Division Bench of this Court as early as on 29.06.2001, and during that period the petitioner also had been working at the fourth respondent school and a number of persons similarly placed like that of the petitioner had been sent for such training, the petitioner had not been sent for child



psychology training for the reasons best known to the official respondents.”

5. It is further observed by the learned Single Judge in para 29 of the order thus:

“This Court finds force with the said submission made by the learned counsel for the petitioner as in this case also the petitioner had been appointed in the year 1998 since then had been continuously working in the fourth respondent school that too in a sanctioned vacancy and after great struggle the petitioner also had completed the child psychology training, hence, she would be entitled to get the approval of her appointment from the date of her original appointment i.e., from 15.4.1998.”

6. For the delay on the part of the appellants in sending the first respondent herein for the child psychology training as directed in the judgment of the Division Bench, the first respondent need not be made to suffer. In such view of the matter we do not find any reason to interfere with the order passed by the learned Single Judge. The appellants are directed to comply with the order passed by the learned single Judge, by approving the appointment of the first respondent herein from 15.04.1998 will all service benefits.”

8. It is also seen from the records that appointment of similarly placed persons who had approached this Court has been approved from the date of appointment.

9. In the present case, the petitioner had joined the fifth



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respondent School as a Secondary Grade Teacher on 13.11.1998.

The delay in sending the petitioner for Child Psychology Training cannot be put against the petitioner since he was not responsible for the delay. Therefore, as held by the Division Bench, the appointment of the petitioner will have to be approved with effect from 13.11.1998 onwards.

6. In view of the above order, the petitioner is also entitled for relief claimed by him. The 3rd respondent has already forwarded the recommendation to the 1st respondent and the 1st respondent is directed to pass orders in line with the earlier orders passed by this Court and grant regularization of services to the petitioner with effect from 01.08.1997. The order shall be passed within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of this order.

5. Since number of orders have been passed by various Division Benches, where such an approval can be given from the date when the teachers were sent to child psychology training and not from the date when they actually completed the training belatedly because of the delay caused by the appellant Department.

6. In view of the same, since the prayer sought for in the writ petition since was allowed by the learned Judge, following the earlier judgments as quoted herein above, we are not inclined to interfere with the said judgment, which is impugned herein.



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7. Resultantly, this Writ Appeal fails and accordingly, it is dismissed. No costs. Connected miscellaneous petitions are closed.”

7. In view of the above, the issue is no more *res integra*. The Appeal filed by the Appellants is hereby dismissed for want of merits and the order passed by the Writ Court is hereby upheld.

8. Accordingly, the writ appeal is dismissed, with a direction to the appellants to comply with the order of the Writ Court, within a period of two months from the date of receipt of a copy of this judgment. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.K.,J.) (N.S.,J.)
09-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

sai



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To

1.D.Umadevi, M.Sc.,B.Ed.,
P.G.Assistant, Girls Higher Secondary School,
Srirangam, Trichy District.

2.The Secretary
Girls Higher Secondary School,
Srirangam, Trichy District.



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