

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.26209, 26210 and 26215 of 2015

- 1 W.R.Vasikaran
- 2 P. Elumalai
- 3 A. Kannan
- 4 G. Vasudevan
- 5 A.N. Shanmugam
- 6 N. Arumugam
- 7 S. Kannan
- 8 R. Thirunavukkarasu
- 9 A. Neelakandan
- 10 M. Radhakrishnan
- 11 V. Jayaraman
- 12 P. Ethiraju
- 13 M. Rajeswari
- 14 N. Elumalai
- 15 T. Radhabai
- 16 L. Kannan
- 17 T.R. Doraisamy
- 18 P. Thiruvengadam
- 19 A. Amsambigai
- 20 P. Durairaju
- 21 A. Govindarasu
- 22 G. Jagadeesan
- 23 D. Subramanian
- 24 N. Venugopal
- 25 M. Govindaraj
- 26 A. Adam

...Petitioners in W.P.Nos.26209/15

1. P.Saminathan
2. S.Kuppayee
3. P.Perumal
4. K.Kalaiselvan
5. D.Backiam

...Petitioners in W.P.Nos.26210/15

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1 V.Narasimman
2 K.Subramanian
3 V.Loganathan
4 D.Tamilmani
5 S.Krishnamoorthi
6 G.Kantheeswaran
7 P.Krishnamoorthi
8 A.Amalanathan
9 V.Venkatesan
10 A.Venkatachalam
11 D.Sudarsanam
12 V.Thirugnanam
13 I.Kadhar Ghouse
14 S.Jayamary
15 R.Sundaramoorthy
16 C.Gandhinathan ...Petitioners in W.P.Nos.26215/15

-Vs-

1 The Government of Tamilnadu
Rep. by the Secretary School Education
Department Fort St. George Chennai-9.

2 The Director of Elementary
Education College Road Nungambakkam
Chennai-6.

3 The District Elementary
Educational Officer Vellore Vellore
District.

4 The Assistant Elementary
Educational Officer
Arcot Vellore District.

5 The Assistant Elementary
Educational Officer
Thimiri Vellore District.

6 The Assistant Elementary
Educational Officer
Nemili Vellore District

...Respondents in W.P.Nos.26209/15

- 1 The Government of Tamilnadu
Rep. by the Secretary School Education
Department Fort St. George Chennai-9.
- 2 The Director of Elementary
Education College Road Nungambakkam
Chennai-6.
- 3 The District Elementary
Educational Officer Salem Salem District.
- 4 The Assistant Elementary
Educational Officer
Veerapandi Salem District.
- 5 The Assistant Elementary
Educational Officer
Salem Salem District.Respondents in W.P.Nos.26210/15

Vs

- 1 The Government of Tamilnadu
Rep. by the Secretary School Education
Department Fort St. George Chennai-9.
- 2 The Director of Elementary
Education College Road Nungambakkam
Chennai-6.
- 3 The District Elementary
Educational Officer Tiruvannamalai
Tiruvannamalai District.
- 4 The Assistant Elementary
Educational Officer Tiruvannamalai
Tiruvannamalai District.
- 5 The Assistant Elementary
Educational Officer Kilpennathur
Tiruvannamalai District.

6 The Assistant Elementary
 Educational Officer Chetpet
 Tiruvannamalai District.

...Respondents in W.P.Nos.26215/15

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to count the period of service rendered by the petitioners in the place of Higher Grade service above with Secondary Grade service and award of Selection / Special Grade scale of pay and revise the pensionary benefits of the petitioner.

For Petitioners

in all Wps : Mr.V.Thirupathi

For R1 to R6

in all Wps : Mr.V.Subbiah
Special Government Pleader

COMMON O R D E R

By consent, these Writ Petitions are taken up for final disposal.

2. The petitioners would state that they were initially qualified as Secondary Grade Teachers and however, appointed as Higher Grade Teachers and later on appointed as Secondary Grade Teachers and subsequently, got promoted as Secondary School Headmaster. Petitioner would state that Government of Tamil Nadu took up a policy decision to upgrade Secondary Grade qualified teachers, who were working as Higher Grade Teachers for want of posts as Secondary Grade Teachers and sanctioned 14000 posts during the period 1967-20.02.1971 and also took a further decision to absorb all the Secondary Grade Certificate holders, who are then working in Higher Grade and accordingly sanctioned 5500 posts of Secondary Grade Teachers and however, the claim of the petitioners were not considered by the respondents for absorption.

3. It is the stand of the petitioners that as per G.O.Ms.No.347, School Education Department, dated 15.09.1998, persons who were placed on or after 1.1.1971 in the post of Higher Grade Teachers with the qualification of Secondary grade were absorbed as Secondary Grade

Teacher and therefore, they submitted a common representation dated 03.1.2015 requesting the concerned parties to count their services rendered under higher grade posts along with Secondary Grade Service with consequential pay also. Since no orders have been passed, petitioners have come forward with these writ petitions.

4. The learned counsel for the petitioners would submit that these matters in issue are squarely covered by the orders dated 26.6.2008, 31.08.2009 and 27.1.2010 made in W.P.Nos.31106/2006, 35651/2006 and 34213/2006. The order passed in W.P.No.34213 of 2006 was also implemented by the first respondent in G.O.Ms.70 (School Education Department) dated 28.05.2014 and hence, prayed for appropriate orders.

5. This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 6.

6. Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances directs the first respondent to consider and dispose of the petitioners' representation dated 03.01.2015 on merits and in accordance with law after taking note of the above said orders as well as G.O.Ms.70 (School Education Department) dated 28.05.2014 and pass orders within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7. These Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

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- 9 The Assistant Elementary
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- 10 The District Elementary
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Tiruvannamalai District.
- 11 The Assistant Elementary
Educational Officer Tiruvannamalai
Tiruvannamalai District.

12 The Assistant Elementary
Educational Officer Kilpennathur
Tiruvannamalai District.

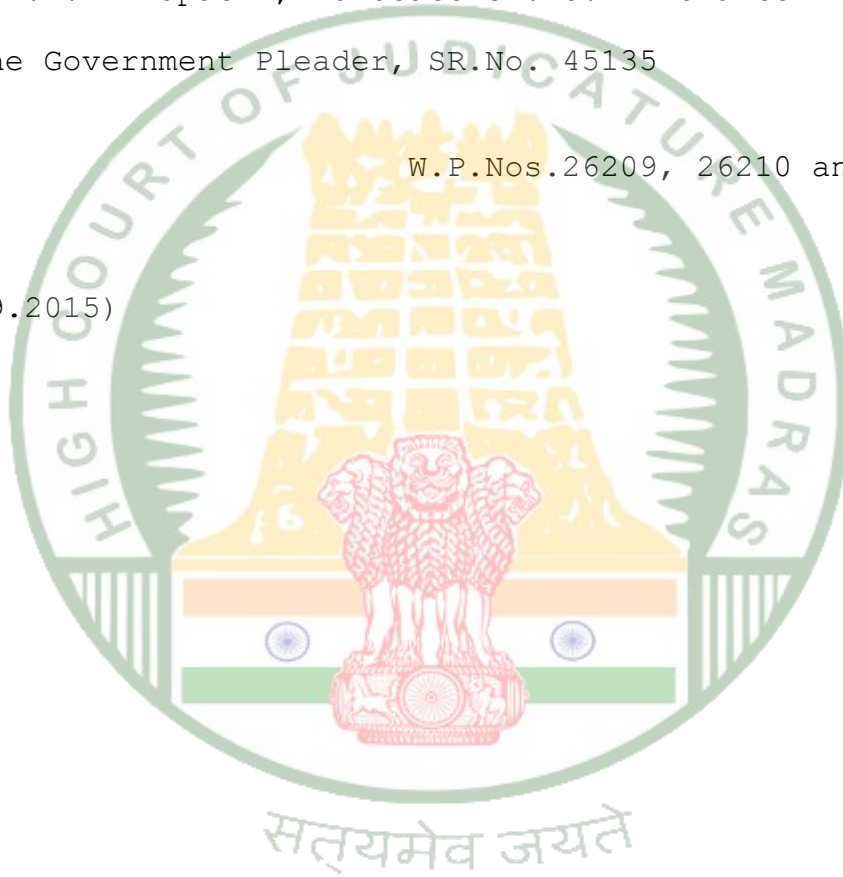
13 The Assistant Elementary
Educational Officer Chetpet Tiruvannamalai
District.

3 CCs to Mr.V.Thirupathi, Advocate SR.No. 44879 to 44881

1 CC to the Government Pleader, SR.No. 45135

W.P.Nos.26209, 26210 and 26215 of 2015

EV (CO)
PSI (14.09.2015)



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