

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27453 of 2015 &
M.P.No.1 of 2015

N.Kumaraiah

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary,
Education Department,
Fort St. George Chennai-600 009.
2. The Director of Elementary Education,
Nungambakkam, Chennai-600 006.
3. The District Elementary Education Officer,
Nungambakkam,
Chennai-600 006.
4. The Asst. Elementary Educational Officer
George Town
Chennai- 600 001.
5. The Secretary
Kannappa Nayanar Aided School,
Royapuram
Chennai-600 013.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the Respondents to regularise the services of the petitioner as B.T.Asst. Teacher with effect from the date of appointment i.e on 20.12.2004 in the light of the Order passed by the 1st Respondent for similarly placed persons in G.O.Ms. (3D) No. 78 School Education (G2)

Department dated 25.05.2012 and G.O.Ms. (3D) No.4 School Education (Ne V 3 (1)) Department dated 21.01.2015 by considering the representations of the petitioner dated 09.04.2015 and 05.08.2015 within the period that may be stipulated by this Honourable Court.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed as Junior Grade B.T. Assistant Teacher on consolidated pay of Rs.4,000/- per month in terms of G.O.125(SE)(X2), dated 12.11.2002, in the school of the 5th respondent from 20.12.2004. The petitioner would state that as per G.O.Ms.No.120, School Education Department, dated 12.11.2003, he is entitled to get time scale of pay. The persons, who are similarly placed, filed W.P.No.16399 of 2007 and got positive order on 18.06.2007. The Government also passed G.O.Ms.3(D) No.78, dated 25.05.2012 and G.O.MS.(3D) NO.4, dated 21.01.2015, regularizing the services of the persons from the date of their appointment. The petitioner, in this regard has also submitted representations dated 09.04.2015 and 05.08.2015 respectively to the respondents. Since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents.

4. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representations dated 09.04.2015 and 05.08.2015 after taking note of G.O.Ms.3(D) No.78 and G.O.MS.(3D) NO.4, dated 25.05.2012 and 21.01.2015 respectively and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Rj

To

1. The Chief Secretary,
Education Department,
Fort St. George Chennai-600 009.
2. The Director of Elementary Education,
Nungambakkam, Chennai-600 006.
3. The District Elementary Education Officer,
Nungambakkam,
Chennai-600 006.
4. The Asst. Elementary Educational Officer
George Town
Chennai- 600 001.
5. The Secretary
Kannappa Nayanar Aided School,
Royapuram
Chennai-600 013.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.46986
+1cc to the Government Pleader, S.R.No.47639

NM(CO)
CA(23/09/2015)

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