

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27462 of 2015

1.R.Pasupathi
2.N.Balasundaram
3.G.Kalaichelvi

...Petitioners

vs

1. The State of Tamil Nadu
Rep. By the Secretary to Government
School Education Department
Fort St. George, Chennai 600 009
2. The Director of Elementary Education
College Road, Nungambakkam
Chennai 600 006
3. The District Elementary Educational Officer
Kancheepuram,
Kancheepuram District
4. The Assistant Elementary Educational Officer
Sirukaveri Pakkam,
Kancheepuram District
5. The Additional Assistant Elementary Educational Officer
Sirukaveri Pakkam,
Kancheepuram District

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to count the period of service rendered by the petitioners in the Higher Grade service above the Secondary Grade service and award of Selection/Special Grade scale of pay and revise the pensionary benefits of the petitioners.

For Petitioners : Mr.K.R.Gunashekar

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

ORDER

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

2.The deponent of the affidavit, who is the first petitioner, would state that the petitioners are initially qualified as Secondary Grade Teachers and however, they are given appointment as Higher Grade Teachers and got promoted as Secondary Grade Teachers and finally promoted as Elementary School Headmasters and have retired from service and the following are their service particulars:-

Sl.No.	Petitioner's Name/Designation	Hr. Grade	Sec. Grade
1	R.Pasupathi Retd. Headmaster	01.09.1969	01.01.1971
2	N.Balasundaram Retd. Headmaster	23.08.1969	01.01.1971
3	G.Kalaichelvi Retd. Headmaster	14.02.1969	01.01.1971

3.The first petitioner would further state that the Government took a policy decision to upgrade the Secondary Grade Qualified Teachers, who were working as Higher Grade Teachers during the period between 1967 and 1971, and accordingly, passed an order absorbing the Secondary Grade Certificate Holders, who held the post of Higher Grade Teacher, to the post of Secondary Grade Teacher.

4.The grievance expressed by the petitioners, is that though they were qualified as Secondary Grade Teachers, they were given appointment as Higher Grade Teachers and therefore, submitted a joint representation dated 20.2.2014, and since no orders have been passed, came forward to file this writ petition.

5.The learned Counsel appearing for the petitioners, would submit that in similar facts and circumstances, this Court has passed very many orders, including the one dated 27.1.2010, made in W.P.No.34213 of 2006, wherein, this Court has passed a positive order directing the respondents therein to regularise the services of the petitioners therein as Secondary Grade Teachers from the date of their initial appointment and to award Selection Grade and since the petitioners herein are similarly placed, they may be conferred with the same benefit.

6.The Court heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also.

7.This Court, in the light of the facts and circumstances, permits the petitioners to submit one more representation to the first respondent enclosing a copy of this order as well as a copy of their earlier representation dated 20.2.2014, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider it on merits and in accordance with law and pass orders thereon within a period of ten weeks thereafter, by taking into consideration the above cited Court orders as well as G.O.Ms.No.70, School Education Department, dated 28.5.2014, and communicate the decision taken, to the petitioners. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Secretary to Government
School Education Department
Fort St. George, Chennai 600 009
2. The Director of Elementary Education
College Road, Nungambakkam
Chennai 600 006
3. The District Elementary Educational Officer
Kancheepuram,
Kancheepuram District
4. The Assistant Elementary Educational Officer
Sirukaveri Pakkam,
Kancheepuram District
5. The Additional Assistant Elementary Educational Officer
Sirukaveri Pakkam,
Kancheepuram District

- 1 CC to Mr.V.Anandhamurthy, Advocate SR.No. 49176
1 CC to the Government Pleader, SR.No. 47645
1 CC to Mr.K.R.Gunashekar, Advocate SR.No. 46996

W.P.No.27462 of 2015

VSN (CO)

PSI (22.09.2015)