

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27654 of 2015

N.Lakshmi

... 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 Educational Officer
George Town Chennai-600 006.
4. The Asst. Elementary Educational Officer
George Town Chennai-600 001.
5. The Secretary
N.A.P. School No.16 Thaiyappa Street
Chennai-600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to regularise the services of the petitioner as B.T. Asst. Teacher with effect from the date of appointment i.e. on 01.11.2004 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 15.04.2015 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
1 to 4 Additional Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed as a Junior grade B.T.Assistant Teacher in the services of the 5th respondent school on a consolidated pay of Rs.4000/- per month. The petitioner would state that as per G.O.Ms.No.120 School Education Department (Va Che) Department dated 18.07.2006, the persons appointed on consolidated pay as per G.O.Ms.No.125 dated 12.11.2003 are entitled to get a Time Scale Appointment and third respondent vide his proceedings dated 26.07.2007 has also done so. It is further stated by the petitioner that in terms of Rule 35 (aa) of Tamil Nadu State and Sub-ordinate Service Rules, the services of the persons shall be regularised from the date of appointment of services and so also seniority and the said Rule does not treat differently in respect of persons appointed on consolidated pay and time scale of pay. It is also stated by the petitioner that persons similarly placed has approached this Court and got a positive order and it is also implemented by the first respondent vide G.O.(3D) No.78 School Education (G2) Department dated 25.5.2012 and G.O.Ms.(GD) No.4 School Education (Ne V 3 (1)) Department dated 21.01.2013 and in this regard, she has submitted representations dated 15.04.2015 and 05.08.2015 to second respondent and since no orders have been passed, came forward to file this writ petition.

3. Heard the submissions of the learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of R1 to R4.

4. Though the petitioner has 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 petitioner's representation dated 05.08.2015 on merits and in accordance with law after taking note of the above cited Government Orders 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.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
The State of Tamil Nadu
Education Department
Fort St. George Chennai-600 009.
2. The Director of Elementary Education
Nungambakkam Chennai-600 006.
3. The District Elementary Educational Officer
George Town Chennai-600 006.
4. The Asst. Elementary Educational Officer
George Town Chennai-600 001.
5. The Secretary
N.A.P. School No.16 Thaiyappa Street
Chennai-600 001.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.48035
+1cc to the Government Pleader, S.R.No.48108

W.P.No.27654 of 2015

AK(CO)
CA(24/09/2015)

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