

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.28220 of 2015

S.Babu Sundar

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. By 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 Educational
Officer
Nungambakkam, Chennai 600 006
4. The Assistant Elementary Educational
Officer
George Town, Chennai 600 001
5. The Secretary
V.Sundara Moorthy Chettiyar Aided
Primary School
Shed No.3, Tamil Nadu Housing Board
West Cemetery Road
Chennai 600 021

... 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 Secondary Grade Teacher with effect from the date of appointment i.e., 3.11.2004, in the light of the order passed by the first respondent for similarly placed persons in G.O.Ms.(3D) No.78, School Education (G2) Department, dated 25.5.2012, and G.O.Ms.(3D) No.4, School Education (Ne V 3 (1)) Department, dated 21.1.2015, by considering the representations of the petitioner dated 5.8.2015, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.K.M.Appaji
For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2.The petitioner claims that he is a Diploma Holder in Teacher Training (DTE) and was appointed as a Junior Secondary Grade Teacher on a consolidated pay of Rs.3,000/- per month, by the third respondent vide proceedings dated 26.11.2004, in terms of G.O.Ms.No.125, School Education (X2) Department, dated 12.11.2002. The petitioner would further state that as per G.O.Ms.No.120, School Education Department, dated 18.7.2006, the persons appointed on consolidated pay in terms of the above said Government Order, are entitled to time scale appointment and accordingly, the petitioner was granted time scale of pay with effect from 1.6.2006, and thereafter, his services were absorbed by the third respondent vide proceedings dated 27.2.2007.

3.It is further stated by the petitioner that the persons similarly placed, who required their services to be regularised from the date of appointment, filed W.P.Nos.879 of 2006 and 30734 of 2008, and this Court vide order dated 22.10.2013, has directed the first respondent therein to consider and dispose of their representations and accordingly, G.O.Ms.(3D) No.78 and G.O.Ms.(3D) No.4 of School Education Department, dated 25.5.2012 and 21.1.2013 respectively, came to be passed by granting regularisation from the date of their appointment and the petitioner, in this regard, has submitted a representation dated 5.8.2015, to the first respondent and though it was received and acknowledged, no orders have been passed and hence, he came forward to file this writ petition.

4.Heard the learned Counsel appearing for the petitioner, and Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents 1 to 4.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the Principal Secretary to Government, Education Department, Secretariat, Fort St. George, Chennai 9, to consider the petitioner's representation dated 5.8.2015, on merits and in accordance with law and pass orders

thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

nsv

Sub Assistant Registrar

To:

1. The Chief Secretary
Government 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
Nungambakkam, Chennai 600 006
4. The Assistant Elementary Educational
Officer
George Town, Chennai 600 001
5. The Principal Secretary
Education Department, Secretariat
Fort St. George, Chennai 600 009

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.48738
+1cc to the Government Pleader, S.R.No.48997

W.P.No.28220 of 2015

BVR(CO)
CA(28/09/2015)

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