

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28301/2015

A.Stella Mary

... Petitioner

Versus

1.The Secretary,
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 Education Officer
Nungambakkam, Chennai 600 001.

4.The Asst. Elementary Educational Officer
George Town, Chennai 600 001.

5.The Secretary
St. Agnes Middle School
No.99, Portuguese Church Street,
George Town, Chennai 600 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to regularise the services of the petitioner as B.T.Assistant Teacher with effect from the date of appointment, i.e., 23.06.2004, 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 Court.

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

For RR 1 to 4 : Mr.V.Subbiah, Spl.GP

O R D E R

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

2.The petitioner is a Diploma Holder in Teacher Training [D.T.Ed] and she was appointed as a Junior Secondary Grade Teacher on consolidated pay of Rs.3000/- per month in the services of the 3rd respondent, as per G.O.Ms.No.125, School Education [X2] Department dated 12.11.2002 with effect from 03.11.2004. The petitioner would state that as per G.O.Ms.No.120, School Education Department dated 18.07.2006, the persons appointed on consolidated pay as per the said Government Order are entitled to the time scale of pay and the 3rd respondent, vide his proceedings dated Nil.09.2006 has accorded the time scale of pay to the petitioner with effect from 01.06.2006 on the scale of pay at Rs.4,500-125-7,500. Thereafter, vide subsequent proceedings dated 27.02.2007, the 3rd respondent absorbed the petitioner. According to the petitioner, the regularization has to be done from the date of her initial appointment and the similarly placed persons like that of the petitioner have approached this Court and filed WP.No.879/2008 and WP.No.30374/2008 and this Court, vide order dated 22.10.2013 has directed the 1st respondent to consider the representation in the light of 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 and to pass orders accordingly. Since the petitioner is similarly placed, she has also submitted the representations dated 15.04.2015 and 05.08.2015 to the respondents praying for her regularization from the date of her original appointment and since no orders have been passed, she came forward to file this writ petition.

3.Heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 4.

4.Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the petitioner's representation, directs the 1st respondent to consider and dispose of the representations of the petitioner dated 15.04.2015 and 05.08.2015 on merits and in accordance with law, after taking note of the above said orders passed by this Court as well as the Government Orders and pass orders within a period of ten weeks thereafter and communicate the decision taken, to the petitioner herein.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

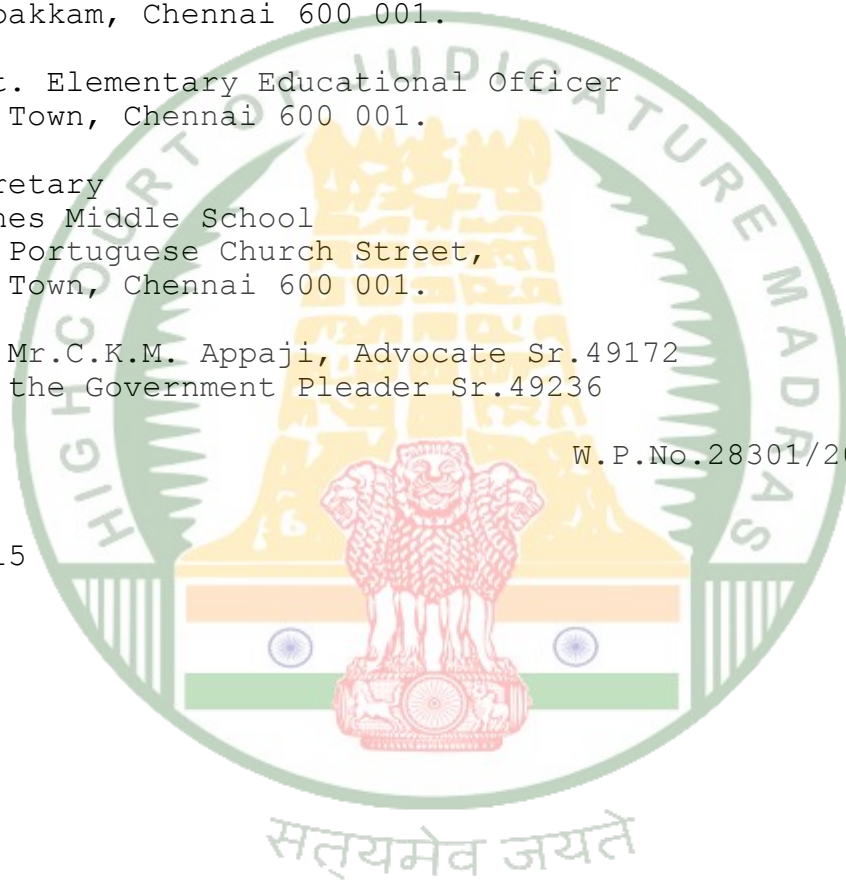
To

- 1.The Secretary,
State of Tamil Nadu
Education Department
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- 5.The Secretary
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George Town, Chennai 600 001.

+ 1 cc to Mr.C.K.M. Appaji, Advocate Sr.49172
+ 1 cc to the Government Pleader Sr.49236

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SK(CO)
Eu 25.09.15



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