

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28843/2015

G.Rajagopal

..

Petitioner

Versus

- 1.The Secretary to Government
State of Tamil Nadu
Department of School Education,
Secretariat, Chennai-9.
- 2.The Director of Elementary Education,
Chennai.
- 3.The District Elementary Educational Officer
Namakkal 637 001, Namakkal District.
- 4.The Assistant Elementary Educational Officer
Erumaipatty, Namakkal. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to dispose the petitioner's representation dated 16.02.2015 and 28.08.2015 to extent the benefits of G.O.Ms.No.70 School Education Department dated 28.05.2014 passed by the 1st respondent regarding to regularise service of the petitioner as a Secondary Grade Teacher from the date of his initial appointment.

For Petitioner : Mr.V.Gangatharan

For Respondents : Mr.R.Vijayakumar, AGP

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O R D E R

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

2 The petitioner was appointed as Higher Grade Teacher in the year 1968 and was absorbed as a Secondary Grade Teacher on 10.01.1971. though the petitioner was qualified for appointment of Secondary Grade Teacher, he was absorbed in the said post in the year 1971, i.e., 01.01.1971, only after completion of his probation in the year 1969 and thus, he was working as Higher Grade Teacher between 18.11.1968 and 01.01.1971 and the petitioner

submitted that similarly placed persons filed Original Application before the Tamil Nadu Administrative Tribunal and on abolition, it was transferred on the file of this Court and numbered as WP.No.43235/2006 and this Court has directed the concerned official respondents to grant Secondary Grade Teacher scale of pay to the applicants therein for the period of service rendered by them in Higher Grade Teacher post with the Secondary Grade qualification and it has to be counted for the purpose of seniority etc. The grievance now expressed by the petitioner is that he is also similarly placed and he is entitled to the said relief and submitted a representation dated 16.02.2015 followed by a reminder dated 28.08.2015 and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that the orders passed by this Court have been implemented in G.O.Ms.No.70, School Education Department dated 28.05.2014 and since the petitioner is also similarly placed, he is also entitled to get the said benefits and hence, prays for appropriate orders.

4 Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5 Though the petitioner has sought for a larger relief, this Court, in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 16.02.2015 and 28.08.2015 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS IV)

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Sub Asst. Registrar

AP

To

1.The Secretary to Government
State of Tamil Nadu
Department of School Education,
Secretariat, Chennai-9.

2.The Director of Elementary Education,
Chennai.

3.The District Elementary Educational Officer
Namakkal 637 001, Namakkal District.

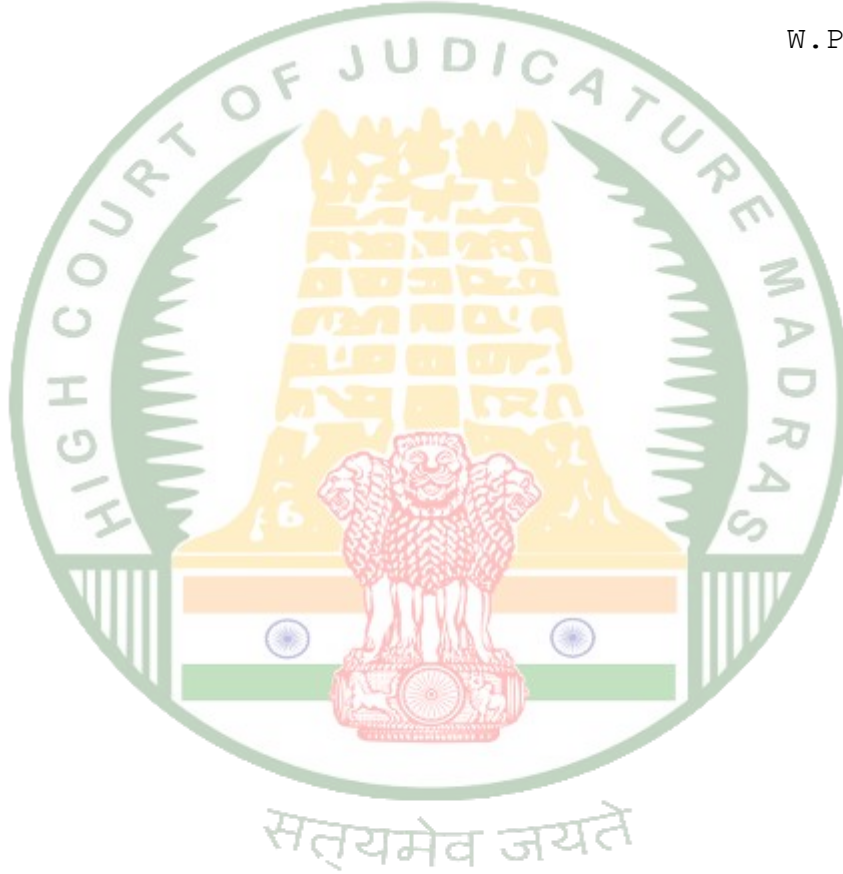
4.The Assistant Elementary Educational Officer
Erumaipatty, Namakkal.

+1 cc to M/s.Gangatharan, Advocate, sr.50003

+1 cc to Government Pleader, sr.50281

W.P.No.28843/2015

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14.09.2015

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