

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.09.2015

Coram:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30008 of 2015

and

M.P.No.1 of 2015

- 1.P.Mohanadas
- 2.K.Sujatha
- 3.K.Nalina Kumari
- 4.R.Vijayalakshmi
- 5.K.Salima Grace
- 6.S.Vency Mary
- 7.J.Sahaya Santhi
- 8.A.Joe Emalda
- 9.T.Nagarajan

...Petitioners

vs.

1. The State of Tamil Nadu,
rep.by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006
3. The District Elementary Educational Officer,
DPI Campus, College Road,
Chennai-600 006
4. The Assistant Elementary Educational Officer,
Periamet Range,
No.11, Davidson Street,
Chennai - 600 001.

5. The Assistant Elementary Educational Officer,
Adyar Range,
No.20, Bazaar Road,
Saidapet,
Chennai-600 015
6. The Assistant Elementary Educational Officer,
T.Nagar Range,
DPI Campus, College Road,
Chennai-600 006
7. The Assistant Elementary Educational Officer,
Mylapore,
Chennai-600 005
8. The Correspondent,
Thiruvallurvar Gurukulam Middle School,
579, Anna Salai,
Saidapet,
Chennai-600 015
9. The Correspondent,
Saiva Middle School,
Chennai-600 079
10. The Correspondent,
St. Francis Xavier Middle School,
153 T.T.K.Road, Alwarpet,
Chennai-600 018
11. The Correspondent,
Ramalinga Mission Middle School,
Vadapalani,
Chennai-600 026

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to regularise the services of the petitioners from the date of initial appointment on consolidated pay as Junior Grade Teacher with regular time scale of pay along with arrears of salary and other service benefits in the light of G.O.Ms.(3D) No.78, School Education (G2) Department dated 25.5.2012 and G.O.Ms.(3D) No.4, School Education (Nee.Pa.3) dated 21.01.015 within a time frame.

For Petitioners : Mr.G.Sankaran

For Respondents 1 to 7 : Mr.N.Srinivasan,A.G.P.

ORDER

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

2. The petitioners were initially appointed as Junior Grade BT Assistant Teachers and Junior Grade Secondary Grade Teachers, respectively, in Elementary Education during the year 2003-2004 in Government Aided Schools. The first respondent, vide G.O.Ms.100, School Education Department, dated 27.6.2003 had directed that the appointment to the post of teachers should be made on consolidated pay for a period of five years as Junior Grade Teachers and thereafter, they have to be brought into regular time scale of pay and as a consequence, the first respondent has also issued G.O.Ms.No.125, School Education Department, dated 12.11.2003, amending the Tamil Nadu Recognized Private Schools Regulation Rules, 1974 by inserting Annexure V(A) relating to the post of Junior Grade Teachers and hence, the petitioners were appointed as Junior Grade Teachers on consolidated pay on regular sanction. The petitioners subsequently got appointed in the post of BT Assistant/Secondary Grade Teachers in the regular vacancy, arose due to retirement/termination of incumbents drawing regular time scale of pay. Though they have same duty and responsibility, there was disparity by granting consolidated pay to them, who have come to be appointed after 2003. However, the petitioners were given regular time scale of pay with effect from 1.6.2006 in terms of G.O.Ms.No.120, School Education Department, dated 18.7.2006 and therefore, they have submitted individual representations to the third respondent praying for granting a regular time scale of pay from the date of their initial appointment on consolidated pay with consequential benefits. Since no response is forthcoming, they came forward to file this writ petition.

3. The learned counsel appearing for the petitioners would submit that under similar facts and circumstances very many orders have been passed and they have been implemented by the first respondent by passing G.O.Ms.(3D) No.78, School Education Department,

dated 25.5.2012 and G.O.Ms.(3D) No.4 School Education Department, dated 21.01.2015 and in the light of the Government orders, the representations submitted by the petitioners may be considered and appropriate orders may be passed.

4. Heard the learned counsel for the petitioners and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 to 7.

5. Though the petitioners prayed for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the same, directs the third respondent to consider the individual representations submitted by the petitioners, in the light of the above said Government Orders and in the event of taking positive decision, forward the same to the first respondent through the second respondent, within a period of six 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 the said proposal on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioners.

6. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai-600 009

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1 CC to Mr.G.Sankaran, Advocate SR.No. 52230

1 CC to the Government Pleader, SR.No. 52150

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W.P.No.30008 of 2015

GJ (CO)

PSI (08.10.2015)

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