

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31593 of 2015

And

M.P.No.1 of 2015

K.Jenis Gana Rita

... Petitioner

Vs.

1. The State of Tamilnadu
rep. by the Secretary Education Department
Fort St. George Chennai-9
2. The Director of Elementary Education
Nungambakkam Chennai 6
3. The District Elementary Educational Officer
Nungambakkam Chennai 6
4. The Asst. Elementary
Educational Officer George Town Chennai-1
5. The Secretary
N.A.P.School No.16 Thaiyappa Street
Chennai-1

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to regularise the services of the petitioner as B.T.Asst. Teacher with effect from the date of appointment i.e. on 1.6.2004 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 25.5.2012 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 10.4.2015 and 5.8.2015 within the period that may be stipulated by this Honourable court.

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

For Respondent : Mr.R.Vijayakumar for R1 to R4
Additional Government Pleader

O R D E R

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

2.The petitioner claims that she is having the qualification of B.Sc., B.Ed. in Botany and based on the proposal of the fifth respondent, the third respondent vide proceedings dated 14.06.2004 has appointed her as Junior Grade B.T.Assistant Teacher on consolidated pay of Rs.4,000/- per month in terms of G.O.125 (SE) (X2) dated 12.11.2002 with effect from 01.06.2004. It is further stated by the petitioner 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.125 (SE) (X2) dated 12.11.2002 are entitled for time scale of pay and the third respondent vide proceedings dated 04.09.2006 has accorded time scale of pay with effect from 01.06.2006 on the scale of pay of Rs.5,500 - 175 - 9,000. According to the petitioner, in terms of Rule 35 (aa) of the Tamil Nadu State and Sub-ordinate Service Rules, the services of the person shall be regularised from the date of appointment and the seniority shall be determined with reference to the date of appointment and the Rule does not distinguish between the consolidated pay and time scale of pay.

3.It is further stated by the petitioner that similarly placed persons have approached this Court in W.P.Nos.879 of 2006 and 30734 of 2008 and got the order and it was also implemented by the School Education Department vide order dated 25.05.2012 made in G.O.(3D) No.78 School Education (G2) Department and since the petitioner is similarly placed, he may be conferred with the very same benefit and hence, prays for appropriate orders.

4.This Court heard the submissions of Mr.C.K.M.Appaji, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts 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 first respondent to consider and dispose of the petitioner's representation dated 10.04.2015 and 05.08.2015 respectively on merits and in accordance with law after taking note of the above stated Government Order 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.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of TamilNadu,
Education Department
Fort St. George Chennai-9
2. The Director of Elementary Education
Nungambakkam Chennai 6
3. The District Elementary Educational Officer
Nungambakkam Chennai 6
4. The Asst. Elementary
Educational Officer George Town Chennai-1
5. The Secretary
N.A.P.School No.16 Thaiyappa Street
Chennai-1

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.54981
+1cc to the Government Pleader, S.R.No.54756

W.P.No.31593 of 2015 And
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SK(CO)
CA(20/10/2015)