

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 7.10.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31620 of 2015

A.Bavani

Petitioner

vs.

- 1 The State of Tamil Nadu
Rep. by the Secretary
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-600 006.
- 4 The Assistant Elementary Educational Officer
George Town Chennai-600 001.
- 5 The Secretary
Dhanalakshmi Aided Primary School
No.10 Velayutha Pandian Street
Old Washermenpet
Chennai-600 021

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to regularize the services of the petitioner as Secondary Grade Teacher with effect from the date of appointment i.e. on 15.12.2003 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 5.8.2015 within the period that may be stipulated by this Honourable Court.

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

For RR1 to 4 : Mr.R.Vijayakumar, Additional Govt. Pleader

ORDER

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

2. The petitioner is a holder of Diploma in Teacher Training and based on the proposal of the fifth respondent, the third respondent, vide his proceedings in Rc.No.333/B3/2004 dated 9.2.2004, appointed the petitioner as Junior Secondary Grade Assistant on consolidated pay of Rs.3000/- per month as per G.O. 125(SE)(X2) dated 12.11.2002. The very same Department has issued G.O.Ms.No.120 dated 18.7.2006 providing for time scale of pay in respect of persons appointed on consolidated basis vide proceedings of the third respondent and the petitioner was accorded time scale of pay of Rs.4500-125-7500 and the services of the petitioner was also absorbed in the fifth respondent School after the third respondent accorded necessary approval. The grievance expressed by the petitioner is that the services of the petitioner have to be regularized from the date of appointment and similarly placed persons have filed W.P.Nos.879 of 2006 and 30734 of 2008 and positive orders have been passed and the said orders also have been implemented vide G.O.Ms.No.(3D) No.4 School Education (Ne V 3(1)) Department dated 21.1.2013 and hence, prays for appropriate orders.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice for respondents 1 to 4.

4. Though the petitioner has prayed for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the case, this court directs the first respondent to consider the petitioner's representation dated 5.8.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioner.

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

sd/
ASSISTANT REGISTRAR(CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

ssk.

To

- 1 The Secretary to
the 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-600 006.
- 4 The Assistant Elementary Educational Officer
George Town Chennai-600 001.

+1 CC to MR.C.K.M.Appaji ADVOCATE. SR.NO. 54979
+1 CC to Govt.Pleader. SR.NO. 54698

W.P.No.31620 of 2015

CO-TS
JD 20/10/2015



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