

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31999/2015

1.J.Maria Jeya
2.J.Roobi
3.A.Mary Nirmala
4.M.Premakumari

... Petitioners

Versus

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,
Mylapore Range, Chennai - 600 005.
5. The Additional Assistant
Elementary Educational Officer,
Mylapore Range, Chennai - 600 005.
6. The Correspondent,
St.Lazarus Middle School,
Madha Church Road,
Chennai - 600 028.
7. The Correspondent,
All Saints Middle School,
Mylapore, Chennai - 600 004.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, seeking for a writ of mandamus

directing the respondents to consider the representations submitted by the petitioners and to regularize 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 25.05.2012 and G.O.Ms.(3D) No.4 School Education (Nee.Pa.3) dated 21.01.2015, within a time frame to be fixed by thsi Hon'ble Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.N.Srinivasan [R1 to R5]
Additional Government Pleader

ORDER

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

2. The petitioners would state that all of them were appointed as B.T.Assistants on consolidated pay prior to 01.06.2006 as Junior Grade Assistants and subsequently, brought into regular time scale of pay with effect from 01.06.2006. It is the claim of the petitioners that they have been appointed in the regular sanctioned post in the Government Aided School and their appointment and conditions of service are also governed by the provisions of the Tamil Nadu Recognised Private Schools [Regulations] Act, 1973 and the Rules framed therein and as per G.O.Ms.No.125, School Education Department dated 12.11.2003, necessary directions have been given to fill up the post of Junior Grade B.T.Assistants, Junior Grade Teacher and since they came to be appointed after the said Government order and further that they have also been brought into regular time scale of pay with effect from 01.06.2006, they are entitled to get regularization of service from the date of their initial appointment in terms of G.O. [3D] No.78, School Education Department dated 25.02.2012 and G.O.Ms. [3D] No.4 of the same department dated 21.01.2015 and in this regard, they have submitted individual representations dated 03.06.2015 to the 2nd respondent herein and since no orders have been passed, they came forward to file this writ petition.

3. Heard the submissions of the learned counsel for the petitioners and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 5.

4. Learned counsel for the petitioners would submit that similarly placed persons had approached this Court and obtained favourable orders and the said orders were also implemented in G.O. [3D] No.78, School Education Department dated 25.02.2012 as well as in G.O.Ms. [3D] No.4 of the same department dated 21.01.2015 and hence, prays for appropriate orders.

5. This Court heard the submissions of Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 5.

6. Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioners' representations dated 03.06.2015 on merits and in accordance with law, after taking note of the above cited Government Orders dated 25.05.2012 and 21.01.2015 respectively and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
State of Tamil Nadu,
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,

Mylapore Range, Chennai - 600 005.

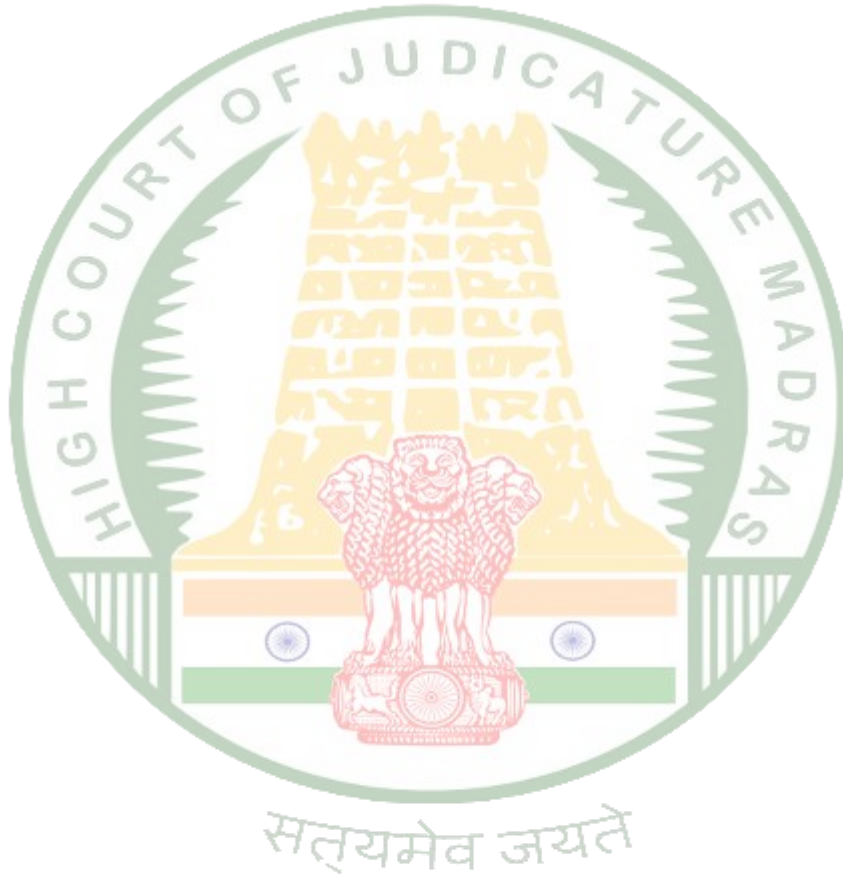
5. The Additional Assistant Elementary Educational Officer,
Mylapore Range, Chennai - 600 005.

+1cc to the Government Pleader, S.R.No.55123

+1 cc to M/s.G.Sankaran, Advocate, sr.55341(28/10/2015)

W.P.No.31999 of 2015

SAI (CO)
CA(20/10/2015)



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