

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32413/2015

M.Kannan

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Petitioner

Versus

1. The Government of Tamilnadu
represented by the Secretary to Government
School Education Department,
Secretariat, Chennai 600 009

2. The Director of School Education,
Chennai - 600 006

3. The Chief Educational Officer,
Tiruppur

..

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to upgrade the post of Secondary Grade Assistant, held by the petitioner to that of B.T.Assistant as he was holding Graduate Teacher qualifications on the date of his initial appointment and confer consequential service and monetary benefits, by considering his representation dated 12.06.2015.

For Petitioner : Mr.G.Punniyakotti

For Respondents : Mr.N.Srinivasan, AGP

ORDER

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

2 The petitioner claims that he belongs to Scheduled Caste Community and qualified himself for being appointed as a Graduate Teacher and was given appointment as Secondary Grade Teacher by the District Elementary Educational Officer, Erode, on 05.08.1997 and the said appointment was made in terms of G.O.Ms.113, School Education [S1] Department, dated

14.03.1997. The petitioner also claims that he has undergone training in the District Institute of Educational Training on 'Child Psychology' for a period of one month. The petitioner would further state that subsequently, orders came to be passed to fill up 1340 backlog vacancies for Scheduled Caste and Scheduled community as sufficient candidates were not available in the said community. The petitioner also states that as per G.O.Ms.No.100 of the very same department dated 27.06.2003, appointments to the post of Secondary Grade Teachers, Junior Teachers and Junior Post Graduate Teachers, on a consolidated pay of Rs.3000/-, Rs.4000/- and Rs.4500/- respectively, came to be made and it was initially for a period of five years on a consolidated pay on contract basis with a promise that they will be absorbed in due course and accordingly, 5000 teachers were recruited. The School Education Department, in terms of G.O.Ms.No.99, dated 27.08.2006, has abolished the appointment on consolidated pay basis and decided to bring the teachers appointed on contract basis under regular stream as per G.O.Ms.No.100, dated 27.06.2003. the above said benefits were also extended to the schools run by Adi Dravidar Tribal Welfare Department as per G.O.Ms.No.63 dated 01.04.1997, G.O.Ms.No.5 dated 13.01.2000. The conditions stipulated in G.O.Ms.No.63 dated 01.04.1997 was also relaxed in G.O.Ms.No.153 of the same Department dated 30.11.2006 so as to enable the persons to get regular promotion as Graduate Teacher as per their seniority in the cadre of Secondary Grade Teacher. The petitioner was promoted as Graduate Teacher [History] with effect from 07.07.2009, and though persons similarly placed, were given promotions relaxing all conditions imposed in G.O.Ms.No.63 dated 01.04.1997, the petitioner was not given promotion and in this regard, he has submitted a representation dated 12.06.2015 to the 2nd respondent and since no orders have been passed, he came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that in similar facts and circumstances, this Court has passed an order dated 28.07.2009 made in WP.No.14505/2009 and prays for similar relief.

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

5 Though the petitioner has 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, permits the petitioner to submit one more representation by enclosing a copy of this order as well as his earlier representation, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the

respondents 1 and 3 are directed to consider the same on merits and in accordance with law and pass orders within a further period of six weeks thereafter and communicate the decision taken, to the petitioner.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP
To

1. The Secretary to Government
Government of Tamilnadu
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Chief Educational Officer,
Tiruppur.

+1 cc to Mr.G.Punniyakotti Advocate sr.55703
+1 cc to Government Pleader sr.55966

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