

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.32819/2015 & MP.No.1/2015

- 1.J.Jemes Kanangaraj
- 2.S.Sekar
- 3.P.Ramasamy
- 4.N.Balasubramanian

...Petitioners

Versus

1. The Secretary
Government of Tamil Nadu
School Education Department
Fort St George, Chennai 600009.
2. The Director of School Education,
College Road, Chennai 600006.
3. The Chief Educational Officer
Perambalur & Perambalur District.
- 4.The District Educational Officer
Perambalur & Perambalur District.
5. The Correspondent
Thanthai Hans Rover Boys
Higher Secondary School, Perambalur &
Perambalur District 612212.

...Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the respondents 1 to 4 to approve the petitioners service regularization w.e.f. their respective date of appointment, i.e., 04.06.1997 for 1st and 2nd petitioners and 02.03.1998 for 3rd and 4th petitioners, with arrears of salary and all monetary benefits and also grant of Selection Grade pay and special grade pay with arrears to the petitioners from

04.06.2007 and 02.03.2008 respectively as they have completed 10 years of service from the date of their initial appointment on 04.06.1997 [for 1st and 2nd petitioner] and 02.03.1998 [for 3rd and 4th petitioners] respectively.

For Petitioners : Mr.V.Krishnamurthy

For RR 1 to 4 : Mr.N.Srinivasan, AGP

ORDER

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

2 The petitioners would state that they are all qualified teachers and were appointed in the Secondary Grade vacancies of the 5th respondent/School which is a Christian Religious Minority Aided School and consequently, no permission to fill up the vacancies need to be obtained. The 5th respondent has also sent necessary approval to the 4th respondent on 23.12.1998 and the 4th respondent has also accorded approval vide proceedings dated 07.04.2004 with effect from 02.06.1998 to 02.06.2003. The grievance expressed by the petitioners is that they have joined the services of the 5th respondent during the year 1997 and 1998 in the sanctioned post and therefore, the approval is to be accorded right from that date and not at a later point of time and in this regard, they have submitted a representation dated 12.11.2010 and the 2nd respondent, vide proceedings dated 07.03.2015 has directed the 4th respondent to act accordingly and since no orders have been passed, they came forward to file this writ petition.

3 Learned counsel for the petitioners would submit that this Court, vide orders dated 03.08.2007, 16.07.2010, 16.08.2012, 13.02.2015 and 11.09.2015 has passed orders directing the concerned respondent to take note of the above said orders and pass appropriate orders and since the petitioners are similarly placed, they are entitled to the same benefits.

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

5 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances,

directs the 4th respondent to consider the claim of the petitioners seeking approval from the date of their initial appointment in the light of the above cited orders passed by this Court and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners as well as to the 5th respondent/School.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary
Government of Tamil Nadu
School Education Department
Fort St George, Chennai 600009.
2. The Director of School Education,
College Road, Chennai 600006.
3. The Chief Educational Officer
Perambalur & Perambalur District.
4. The District Educational Officer
Perambalur & Perambalur District.

1 CC to Mr.V.Krishnamurthy, Advocate SR.No. 56464

1 CC to the Government Pleader, SR.No. 57566

WP.No.32819/2015

GR (CO)
PSI (30.10.2015)