

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33541 of 2015

S.Murugesan

... Petitioner

Vs.

1. The State of Tamilnadu
Rep. by its secretary,
Education Department,
Secretariat, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-6.
3. The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.
4. The District Elementary Educational Officer,
Nagapattinam.
5. The Correspondent
Vasanthala Aided Middle School,
Pannaikaran Kottagam-609 115
Srikazhi Taluk,
Nagapattinam Dt.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to approve the appointment of the petitioner w.e.f. 2.1.1998 as Secondary Grade Teacher with all consequential benefits and pay the scale of pay from 2.1.1998 to 15.11.2000 in the light of the order passed by the Honourable Court in W.P.(MD)No.9072/2015 dated 19.12.2007.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.N.Srinivasan for R1 to R4
Additional Government Pleader

O R D E R

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

2.A school committee of the fifth respondent has selected and appointed the petitioner as a Secondary Grade Teacher on 02.01.1998 as against the permanent vacancy on SC roaster and it is also submitted that a proposal was sent to the fourth respondent for approval of his appointment and it was returned in the light of G.O.Ms.No.559 of the School Education Department, dated 11.07.1995 prohibiting the appointment of higher qualified person in the Secondary Grade post.

3.Thereafter, a Government Order was issued by the very same department in G.O.Ms.No.301, dated 15.10.1999, permitting the respondent to fill up vacancies with persons having higher qualification and prior to the said order, the petitioner was also deputed for one month Child Psychology training and on completion of the training his appointment was approved with effect from 16.11.2000 vide proceedings of the fourth respondent dated 26.12.2000 in the pay scale of Rs.4500-125-7000 and got his promotion as B.T.Assistant (Science) on 29.04.2009 and it was also approved by the fourth respondent vide proceedings dated 18.06.2009.

4.Thereafter, the Government has issued G.O.Ms.No.122, Social Welfare Department, dated 02.08.2005 which stipulated that Teachers who were appointed as Secondary Grade Teachers in demand, who is taking class in Science and Maths in the high school, their services can be regularised from the date of initial appointment instead of the date of completion of one month training and in this regard, the Madurai Bench of this Court has also passed an order dated 19.12.2007 made in W.P.(MD) No.9072 of 2005. The grievance expressed by the petitioner is that since he is similarly placed, he is also entitled to the same benefit and in this regard, he has submitted a representation dated 08.01.2014 to the respondents 1 to 4 and since no orders have been passed, came forward to file this writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4.

6.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the same, directs the second respondent to consider and dispose of the petitioner's representation dated 08.01.2014 on merits and in accordance with law after taking note of the above stated Government Orders 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 petitioner.

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 secretary,
State of Tamilnadu
Education Department,
Secretariat, Chennai-9.
2. The Director of Elementary Education,
College Road, Chennai-6.
3. The Chief Educational Officer,
Nagapattinam, Nagapattinam District.
4. The District Elementary Educational Officer,
Nagapattinam.

+1cc to Mr.Ravi Chandran, Advocate, S.R.No.57300
+1cc to the Government Pleader, S.R.No.57730

W.P.No.33541 of 2015

MG(CO)
CA(02/11/2015)