

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33723/2015 & MP.No.1/2015

D.Gurumoorthy

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Petitioner

Versus

1.The Secretary,
Government of Tamilnadu
School Education Department
Fort St George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai 600 006.

3.The Chief Educational Officer
Thiruvavarur and Thiruvavarur District.

4.The District Educational Officer,
Thiruvavarur and Thiruvavarur District.

5.The Secretary & Correspondent
National Higher Secondary School
Mannargudi 614 001.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents 1 to 4 to approve the petitioner service regularisation with effect from the respective date of appointment, i.e., 14.03.1997 with arrears of salary and all monetary benefits and also grant of selection grade pay and special grade pay with arrears to the petitioner from 14.03.2007 as he has completed 10 years of service from the date of his initial appointment on 14.03.1997.

For Petitioner : Mr.V.Krishnamurthy

For R1 to R5 : Mr.V.Subbiah, Spl.GP

ORDER

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

2. The petitioner claims that he has passed SSLC, Higher Secondary Examinations, B.A. and B.Ed., Degrees and got his name registered in the jurisdictional Employment Exchange for selection and appointment to the post of Teacher and when the Secondary Grade Teacher vacancy arose in the services of the 5th respondent, the petitioner was appointed as a Secondary Grade Assistant Teacher [Middle Section] on 14.03.1997 and according to the petitioner, since the 5th respondent School is an Aided Institution, no permission to fill up the vacancies need be obtained. However, the approval for the appointment of the petitioner was forwarded through proper channel by the 5th respondent / School on 25.07.1997; but it was not approved on the ground that for the Secondary Grade vacancy, B.Ed., qualified teacher cannot be appointed. However, no order of rejection for the approval sought for by the 5th respondent has been passed. The petitioner would further state that he was deputed to undergo one month Child Psychology Training as per G.O.Ms.No.155, School Education Department dated 03.10.2002 and he did undergo the said course between 16.11.2004 to 15.12.2004 and his services were approved from 16.12.2004 in the pay of Rs.4,500/- and the 5th respondent has also made a recommendation for counting the earlier period of service rendered by the petitioner from 14.03.1997 to 15.12.2004 for the purpose of pension and other monetary benefits. The petitioner also, in this regard submitted representations and the same were rejected by the 4th respondent on 19.11.2007 as well as on 10.12.2009. The grievance now expressed by the petitioner is that since he has been appointed on 14.03.1997 and completed ten years of service as on 13.03.2007, he is eligible to get selection grade scale of pay and special grade of pay, with effect from 13.03.2017 and persons similarly placed have approached this Court by filing WP [MD] No.3381/2005 and 6506/2007 and vide orders dated 03.08.2007 and 16.08.2012 respectively, they have been granted the relief sought for and the said orders were also followed by this Court in WP.No.28647/2015, wherein the writ petitioner therein was granted similar relief and hence, he came forward to file this writ petition.

3. This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 5.

4. 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, directs the

respondents 1 and 2 to consider and dispose of the petitioner's representation dated 20.03.2015 in accordance with law after taking note of the order dated 11.09.2015 made in WP.No.28647/2015 [M.THALITHA ESTHER RANI Vs. THE GOVERNMENT OF TAMILNADU REP.BY ITS SECRETARY, SCHOOL EDUCATION DEPARTMENT, FORT ST GEORGE, CHENNAI 600 009 AND OTHERS] 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.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP
To

- 1.The Secretary,
Government of Tamilnadu
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National Higher Secondary School
Mannargudi 614 001.

+1 cc to M/S.C.S.Associates Advocate sr.58013/15
+1 cc to Mr.V.Krishnamurthy, Advocate sr.57962/15

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aa04/11/2015