

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36811 of 2015

1.G.S.Segar
2.A.Munuswamy
3.K.Santhappan
4.R.Ruthirakott
5.S.Padmavathy
6.G.Veeraraghavan
7.R.Venkatesan
8.K.K.Ramadoss
9.N.Velayudham
10.D.Usuff
11.C.Subramanian
12.K.Venkataraman
13.N.Ganthibai

... Petitioners

- Vs -

1.The State of Tamil Nadu
Rep.by The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Kancheepuram, Kancheepuram District.

4.The Assistant Elementary Educational Officer,
Chithamur Union, Kancheepuram District.
5.The Additional Assistant Elementary
Educational Officer, Chithamur Union,
Kancheepuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the 1st respondent to count the period of service
rendered by the petitioners in the place of Higher Grade service

above with Secondary Grade service and award of Selection/Special Grade scale of pay and revise the pensionary benefits of the petitioner.

For Petitioners : Mr.K.R.Gunashekar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

O R D E R

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

2. The deponent of the affidavit, who is the first petitioner, would state that the petitioners are all initially qualified as Secondary Grade Teachers and however, they were given appointment as Higher Grade Teachers and got promoted as Secondary Grade Teachers and finally promoted as Middle School Headmasters and have retired from service and the following are their service particulars:-

S.No.	Petitioner's Name / Designation	Hr. Grade	Sec. Grade
1	G.S.Segar Retd. Head Master	16.02.1970	01.01.1971
2	A.Munuswamy Retd. Head Master	16.02.1970	01.01.1971
3	K.Santhappan Retd. Head Master	04.11.1968	01.01.1971
4	R.Ruthira Kotti Retd. Head Master	01.07.1969	01.01.1971
5	S.Padmavathy Retd. Head Master	16.02.1970	01.01.1971
6	G.Veeraraghavan Retd. Head Master	02.07.1969	01.01.1971
7	R.Venkatesan Retd. Head Master	02.07.1969	01.01.1971

S.No.	Petitioner's Name / Designation	Hr. Grade	Sec. Grade
8	K.K.Ramadoss Retd. Head Master	16.02.1970	01.01.1971
9	N.Velayudham Retd. Head Master	16.02.1970	01.01.1971
10	D.Usuff Retd. Head Master	04.11.196	01.01.1971
11	C.Subramanian Retd. Head Master	18.02.1970	01.01.1971
12	K.Venkataraman Retd. Head Master	04.11.1969	01.01.1971
13	N.Ganthibai Retd. Head Master	17.10.1968	01.01.1971

3. The first petitioner would further state that the Government took a policy decision to upgrade the Secondary Grade Qualified Teachers, who were working as Higher Grade Teachers during the period between 1967 and 1971, and accordingly, passed an order absorbing the Secondary Grade Certificate Holders, who held the post of Higher Grade Teacher, to the post of Secondary Grade Teacher.

4. The grievance expressed by the petitioners, is that though they were qualified as Secondary Grade Teachers, they were given appointment as Higher Grade Teachers and therefore, submitted a joint representation dated 30.7.2015, and since no orders have been passed, came forward to file this writ petition.

5. The learned Counsel appearing for the petitioners, would submit that in similar facts and circumstances, this Court has passed very many orders, including the one dated 27.1.2010, made in W.P.No.34213 of 2006, wherein, this Court has passed a positive order directing the respondents therein to regularise the services of the petitioners therein as Secondary Grade Teachers from the date of their initial appointment and to award Selection Grade and since the petitioners herein are similarly placed, they may be conferred with the same benefit.

6. The Court heard the submissions of Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepted notice on behalf of the respondents.

7. This Court, in the light of the facts and circumstances, permits the petitioners to submit one more representation to the first respondent enclosing a copy of this order as well as a copy of their earlier representation dated 30.7.2015, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider it on merits and in accordance with law and pass orders thereon within a period of ten weeks thereafter, by taking into consideration the above cited Court orders as well as G.O.Ms.No.70, School Education Department, dated 28.5.2014, and communicate the decision taken, to the petitioners.

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

rgr

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Kancheepuram, Kancheepuram District.

4.The Assistant Elementary Educational Officer,
Chithamur Union, Kancheepuram District.

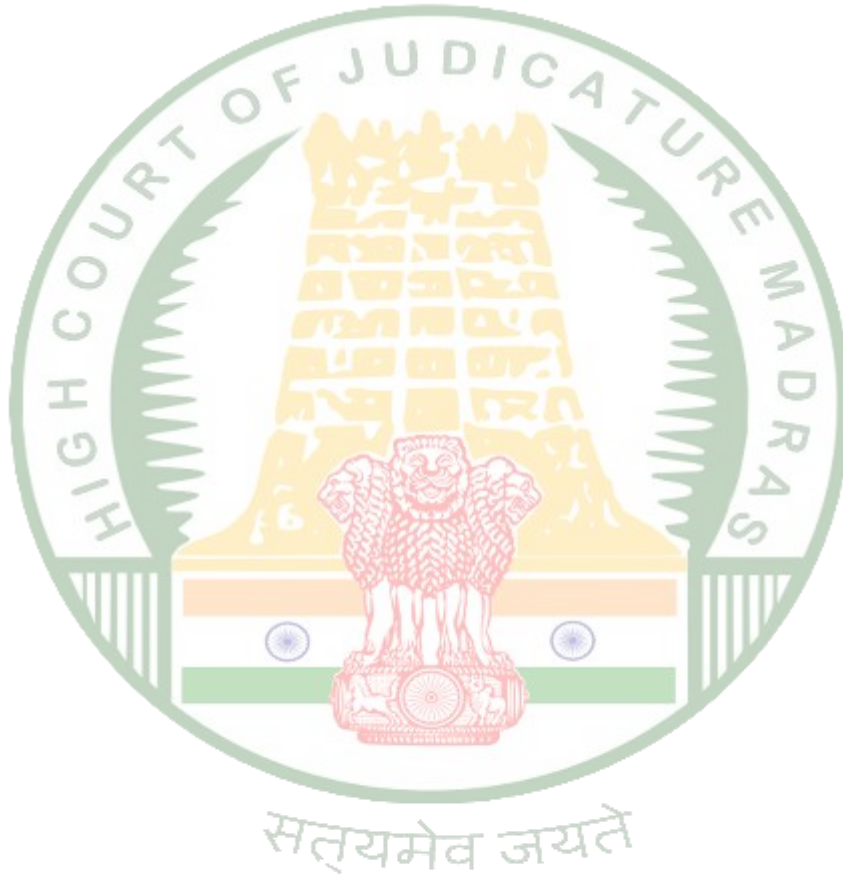
5.The Additional Assistant Elementary
Educational Officer, Chithamur Union,
Kancheepuram District.

+ 1 cc to Mr.K.R.Gunashekar, Advocate Sr 62609.

+ 1 cc to Govt. Pleader, Sr 62928.

W.P.No.36811 of 2015

GJ/CO
KR/8/12



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